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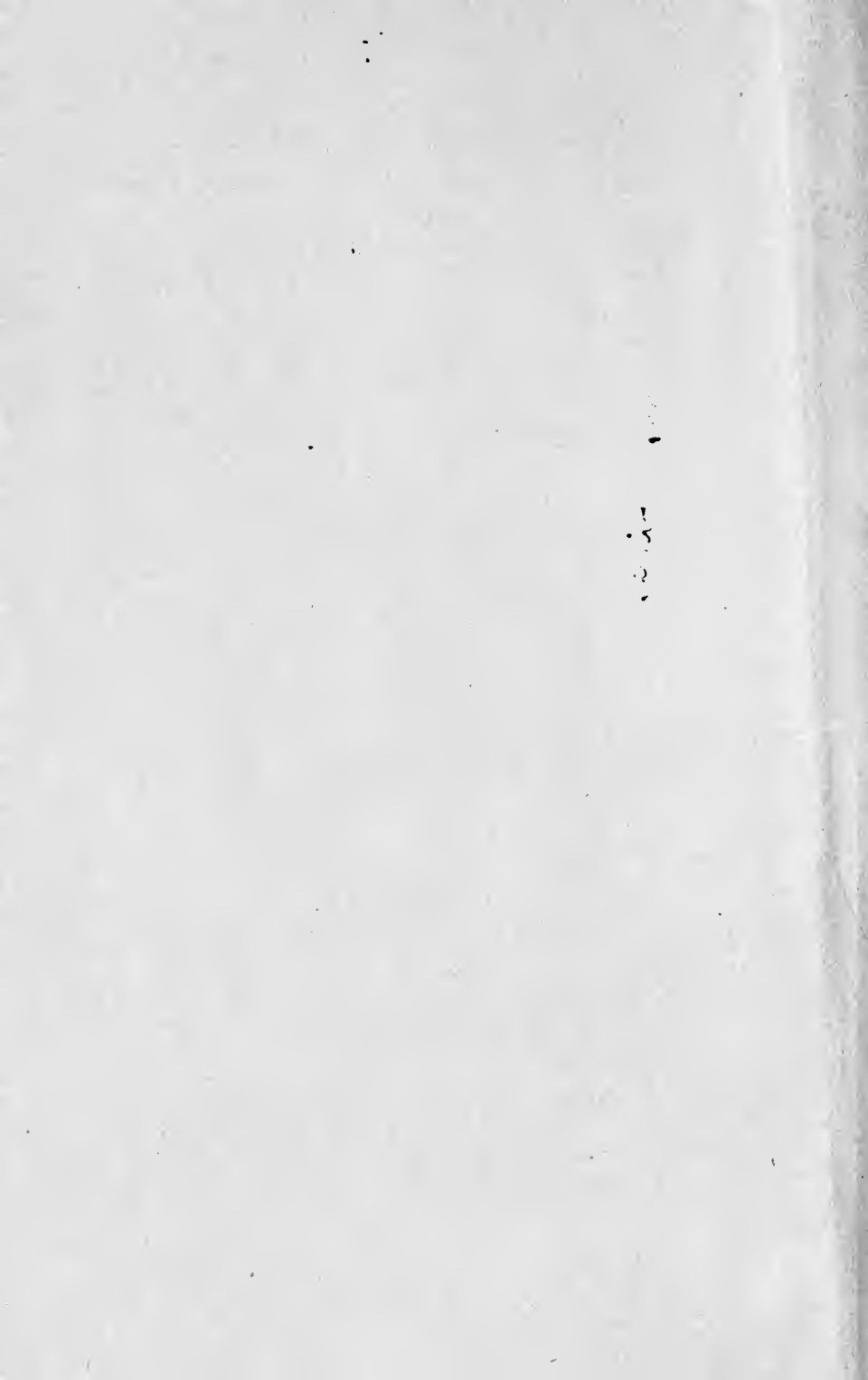
THE CHARTER

OF THE

CITY OF TACOMA

WASHINGTON

ADOPTED OCTOBER 16, 1909



CHARTER

OF THE

CITY OF TACOMA

STATE OF

WASHINGTON

FRAMED AND SUBMITTED BY THE BOARD OF FIFTEEN FREE-HOLDERS ELECTED JUNE 8, 1909, UNDER AND IN ACCORDANCE WITH SECTION 10, ARTICLE 11, OF THE STATE CONSTITUTION AND AN ACT OF THE LEGISLATURE OF THE STATE OF WASHINGTON, APPROVED MARCH 4TH, A. D. 1895,

ENTITLED

"AN ACT TO AUTHORIZE CITIES OF THE FIRST CLASS TO ALTER, CHANGE, REVISE, ADD TO OR REPEAL THEIR RESPECTIVE CHARTERS;" AND
FILED BY SAID BOARD WITH THE
CITY CLERK ON THE 7th DAY
OF AUGUST, 1909,

AND

*Submitted to and Adopted by the Voters of the City of Tacoma
at a Special Election held on the 16th
day of October, A.D. 1909.*

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THE CHARTER

OF THE

City of Tacoma

PREAMBLE.

We, the people of the City of Tacoma, a city of the first class of the State of Washington, under the authority of the Constitution and Laws of the State of Washington, do hereby adopt, publish and declare this to be our City Charter.

ARTICLE I.

NAME, BOUNDARIES, POWERS, RIGHTS AND LIABILITIES.

SECTION 1. *Name, Boundaries and Wards.*—The municipal corporation now existing and known as the "City of Tacoma," shall remain and continue to be a body politic and corporate, under the same name and with the same boundaries, divided into the same wards, as now existing (except as in the next section of this Charter provided), with power and authority to change its boundaries in the manner authorized by law.

SEC. 2. *Boundaries Extend to Middle of Sound.*—In addition to said boundaries, the powers and jurisdiction of the City of Tacoma are hereby declared to extend over any and all tidelands intervening between any part of the heretofore existing boundaries of the City and the waters of Commencement Bay and Puget Sound, and over said waters to the middle line of said Bay and Sound, in every manner and for every purpose that such powers and jurisdiction could be exercised if such tidelands and waters had been specifically included within the City limits prior to the adoption of this Charter, the City of Tacoma hereby adopting and availing itself of all of the powers and jurisdiction conferred by Chapter III, Laws of Washington, 1909.

SEC. 3. *Rights and Liabilities.*—(a) By the name of the "City of Tacoma," the City shall have perpetual succession and shall own, possess and hold all property, real and personal, heretofore owned, possessed or held by the City of Tacoma. and

shall assume, manage and dispose of all trusts in any way connected therewith;

(b) Shall succeed to all the rights and liabilities and shall acquire all benefits, and shall assume and pay all valid bonds, legal obligations and indebtedness of said City of Tacoma; by that name may sue and defend, plead and be impleaded in all courts and places, and in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold and enjoy, or sell and dispose of real and personal property.

SEC. 4. *Powers.*—The City of Tacoma shall have power—

First—To provide for general and special elections for questions to be voted upon, and for the election of officers;

Second—To provide for levying taxes on real and personal property, for corporate uses and purposes, and to provide for the payment of all the debts and expenses of the corporation; *provided*, that all taxes, whether general or special, exclusive of assessments for street improvements and construction of sewers, shall not exceed one and five-tenths per centum (1.5%), in any one year, of the assessed valuation on the property of said City, except as provided in Sec. 6 of this Charter.

Third—To control the finances and property of the corporation, and to acquire, by purchase or otherwise, such lands and other property as may be necessary for corporate uses, and to dispose of any such property as the interests of the corporation may from time to time require;

Fourth—To borrow money for corporate purposes on the credit of the corporation, and to issue negotiable bonds therefor, on such conditions and in such manner as prescribed in this Charter;

Fifth—To issue bonds in place of, or to supply means to meet, maturing bonds or other indebtedness, or for the consolidation or funding of the same;

Sixth—To purchase or appropriate private property within or without the corporate limits for corporate uses, upon making just compensation to the owners thereof, and to institute and maintain such proceedings as may be authorized by the general laws of the State for the appropriation of private property for public use;

Seventh—To lay out, establish, open, alter, widen, extend, grade, pave, plank, establish grades, or otherwise improve streets, avenues, alleys, sidewalks, wharves, parks, and other public grounds, and to regulate and control the use thereof, and to vacate the same, and to authorize or prohibit the use of elec-

tricity at, in or upon any of the said streets, or for other purposes, and to prescribe the terms and conditions upon which the same may be used, and to regulate the use thereof;

Eighth—To change the grade of any street, highway or alley, within its corporate limits, and to provide for the payment of damages to any abutting owner or owners who shall have built or made other improvements upon such street, highway or alley at any point opposite to the point where such change shall be made in reference to the grade of such street, highway or alley as the same existed prior to such change;

Ninth—To authorize or prohibit the locating and constructing of any railroad or street railroad in any street, alley or public place in the City, and to prescribe the terms and conditions upon which any such railroad or street railroad shall be located or constructed; to provide for the alteration, change of grade, or removal thereof; to regulate the moving and operation of railroad and street railroad trains, cars and locomotives within the corporate limits, and to provide for the protection of persons and property against injury in the use of such railroads or street railroads, and to fix the rate of fare;

Tenth—To provide for making local improvements and to levy and collect special assessments on property benefited thereby, and for paying the same or any portion thereof;

Eleventh—To acquire by purchase or otherwise, lands for public parks within or without the limits of the City, and to improve the same;

Twelfth—To construct and keep in repair bridges, viaducts, and tunnels, and to regulate the use thereof;

Thirteenth—To determine what work shall be done or improvements made at the expense, in whole or in part, of the owners of the adjoining, contiguous or proximate property, or others specially benefited thereby; *provided*, the manner of making and collecting assessments therefor shall be as prescribed in this Charter;

Fourteenth—To provide for erecting, purchasing, appropriating or otherwise acquiring water works, gas works or electric light plants within or without the corporate limits of said City, to supply said City and its inhabitants with water and light, or to authorize the construction of same by others, and to regulate and control the use and price of the water or light so supplied;

Fifteenth—To provide for lighting the streets and all public places, and for furnishing the inhabitants of the City with gas or other lights, and to erect or otherwise acquire, and maintain

the same, or to authorize the erection and maintenance of such works as may be necessary and convenient therefor, and to regulate and control the use thereof;

Sixteenth—To establish and regulate markets, and to provide for the weighing, measuring and inspection of all articles of food and drink offered for sale thereat, or at any other place within its limits, by proper penalties, and to enforce the keeping of proper legal weights and measures by all vendors in the City, and to provide for the inspection thereof;

Seventeenth—To erect and establish hospitals and pest-houses and to control and regulate the same;

Eighteenth—To erect and establish work-houses and jails and to control and regulate the same, and to provide for the working of prisoners confined therein;

Nineteenth—To provide for the establishment and maintaining of reform schools for juvenile offenders;

Twentieth—To provide for the establishment and maintenance of public libraries, and to appropriate annually not exceeding ten per centum of all moneys collected for fines, penalties and licenses, for the support of a City library which shall, under such regulations as shall be prescribed by ordinance, be open for use by the public;

Twenty-first—To regulate the burial of the dead and to establish and regulate cemeteries within or without the corporate limits and to acquire land therefor by purchase or otherwise; to cause cemeteries to be removed beyond the limits of the corporation, and to prohibit their establishment within two miles of the boundaries thereof;

Twenty-second—To direct the location and construction of all buildings in which any trade or occupation offensive to the senses or deleterious to public health or safety shall be carried on, and to regulate the management thereof, and to prohibit the erection or maintenance of such buildings or structures, or to the carrying on of such trades or occupations within the limits of the City or within the distance of two miles beyond the boundaries thereof;

Twenty-third—To provide for the prevention and extinguishment of fires, and to regulate or prohibit the transportation, keeping or storage of all combustible or explosive materials within its corporate limits, and to regulate and restrain the use of fire-works;

Twenty-fourth—To establish fire limits and to make all such regulations for the erection and maintenance of buildings or other structures within its corporate limits, as the safety of

persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state, to be put in safe condition;

Twenty-fifth—To regulate the manner in which stone, brick and other buildings, party walls and partition fences shall be constructed and maintained;

Twenty-sixth—To deepen, widen, dock, cover, wall, alter or change the channels of waterways and courses, and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, ferries, slips, public landing places, wharves, docks and levees, and to control and regulate the use thereof;

Twenty-seventh—To control, regulate or prohibit the anchorage, moorage and landing of all water crafts and their cargoes, within the jurisdiction of the corporation;

Twenty-eighth—To fix the rates of wharfage and dockage, and to provide for the collection thereof, and to provide for the imposition and collection of such harbor fees as may be consistent with the laws of the United States:

Twenty-ninth—To license, regulate, control or restrain wharfboats, tugs and other boats used about the harbor or within its jurisdiction:

Thirtieth—To require the owners of public halls or other buildings to provide suitable means of exit; to provide for the prevention and abatement of nuisances, for the cleaning and purification of water courses and canals, for the drainage and filling up of ponds and private property within its limits, when the same shall be offensive to the senses or dangerous to health; to regulate and control and to prevent and punish the defilement or pollution of all streams running through or into its corporate limits, and for a distance of five miles beyond its corporate limits, and on any stream or lake from which the water supply of said City is taken, for a distance of five miles beyond its source of supply; to provide for the cleaning of areas, vaults, and other places within its corporate limits, which may be so kept as to become offensive to the senses or dangerous to the health, and to make all such quarantine or other regulations as may be necessary for the preservation of the public health, and to remove all persons afflicted with any infectious or contagious disease to some suitable place to be provided for that purpose;

Thirty-first—To declare what shall be a nuisance and to abate the same, and to impose fines upon parties who may create, continue or suffer nuisances to exist;

Thirty-second—To license, regulate and restrain the selling or giving away of malt, vinous, fermented, intoxicating or mixed liquors, and to revoke a license or refuse to issue a license to any person to deal in the same, and to prescribe limits within which no license for the sale of such liquors shall be granted;

Thirty-third—To grant license for any lawful purpose, and to fix the amount to be paid therefor, and to provide for revoking the same; *provided*, that no license shall be granted to continue for longer than one year from the date thereof;

Thirty-fourth—To regulate the carrying on within its corporate limits of occupations which are of such a nature as to affect the public health or the good order of said City, or to disturb the public peace, and which are not prohibited by law, and to provide for the punishment of all persons violating such regulations, and all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them;

Thirty-fifth—To restrain and provide for the punishment of vagrants, mendicants, prostitutes, and other disorderly persons;

Thirty-sixth—To provide for the punishment of persons guilty of disorderly conduct and of practices dangerous to the public health or safety, and to make all regulations necessary for the preservation of public morality, health, peace and good order within its limits, and to provide for the arrest, trial and punishment of all persons charged with violating any of the ordinances of said City; but such punishment shall in no case exceed the punishment provided by the laws of the State for misdemeanors;

Thirty-seventh—To project or extend its streets over and across any tide-lands within its corporate limits, and along or across the harbor areas of said City, in such manner as will best promote the interests of commerce;

Thirty-eighth—To regulate or prohibit the sale or other disposition of opium, cocaine and other narcotics and drugs of a like or similar nature, and to suppress and prohibit the smoking of opium and the use of cocaine and other narcotics of a like or similar nature, except upon prescription of regular licensed and practicing physicians of good standing;

Thirty-ninth—To regulate and prevent domestic and other animals from running at large; to license, tax, regulate and restrain the keeping of dogs within the City limits; and to authorize the distraining, impounding and sale of the same for the penalty incurred and the costs of the proceedings, or to authorize their destruction;

Fortieth—To grant franchises, but which in no event shall be exclusive, for a term of not more than twenty-five years, and under such proper restrictions and reservations as the interests of the City may require;

Forty-first—To prohibit the stringing of wires for electrical purposes over and above or under the streets or alleys of the City; to require all electrical wires and apparatus to be placed underground in a safe and proper manner, and to require any and all poles erected for electrical or other purposes within the City to be removed; to lay down, own, manage and charge trackage for the use of street car tracks over any bridge or bridges or any other public place in the City of Tacoma;

Forty-second—To create such offices not herein provided for as the needs of the City require; to establish and regulate the salary of all its officers, except when otherwise provided for; and such other powers and privileges not herein specifically enumerated as are incident to municipal corporations of like character and degree not inconsistent with the Constitution and general laws;

Forty-third—To establish stands for hacks and other vehicles for hire, and to regulate the charges of hacks and other vehicles carrying passengers, freight or baggage for hire, and require a schedule of such charges to be posted in every hack or other passenger vehicle;

Forty-fourth—To provide for naming streets and numbering houses; for regulating and preventing the erection of signs and awnings and the exhibition of banners, flags and placards across or over streets or sidewalks, and for regulating or suppressing public criers, advertising, ringing of bells and other noises;

Forty-fifth—To regulate all parades and processions, and to determine what parades or processions upon the streets shall be unlawful, and to declare the same a nuisance;

Forty-sixth—To fix the price of water, light and power furnished to inhabitants of the City by any person or corporation other than the City, and to regulate the supply or use thereof, whether by persons or corporations now holding franchises or hereafter obtaining franchises;

Forty-seventh—To order an enumeration of the inhabitants of the City and provide the manner of taking said enumeration;

Forty-eighth—To include in the annual tax levy a provision for an amount, to be fixed by the Council, to be levied for the maintenance of museums.

SEC. 5. *Acquire and Own Public Utilities.*—The City of Tacoma shall have power to construct, condemn and purchase, purchase, acquire, add to, maintain, conduct and operate water-works within and without its limits for the purpose of furnishing the City and the inhabitants thereof and any other person or persons doing business therein, with an ample supply of water for all uses and purposes, public and private, with full power to regulate and control the use, distribution and price thereof; to construct and maintain systems of sewerage with full jurisdiction and authority to manage, regulate and control the same within and without the limits of the corporation; to construct, condemn and purchase, purchase, acquire, add to, maintain and operate works, plants and facilities for the preparation and manufacture of all such stone or asphalt products or compositions or other materials which may be used in street construction or maintenance, together with the right to use the same and also to fix the price of and to sell the same for use in the construction of municipal improvements of the City; to construct, condemn and purchase, purchase, acquire, add to, maintain and operate works, plants and facilities for the purpose of furnishing the City and the inhabitants thereof and any other person or persons doing business therein, with gas, electricity and other means, power and facilities for lighting, heating, fuel and power purposes, public and private, with full authority to regulate and control the use, distribution and price thereof; to authorize the construction of such plant or plants by others for the same purposes, and purchase such power from others, when delivered within the City, for its own use and for the purpose of selling to its inhabitants and other persons doing business within the City, and to regulate and control the use and price of electrical power so supplied; to construct, condemn and purchase, purchase, add to, maintain and operate cable, electrical or other railways within the corporate limits of the City for the transportation of freight and passengers, with full authority to regulate and control the use and operation thereof, and to fix, alter, regulate and control the fares and rates to be charged thereon;

And for the purposes aforesaid, it shall have power to take, condemn and purchase, purchase, acquire and retain water from any public or navigable lake or water course, percolating or subterranean water, or any under-flowing water within the State, and by means of aqueducts or pipe lines conduct the same to the City, and the City is hereby authorized and empowered to erect and build dams or other works across or at the outlet of any lake or water course in this State for the purpose of storing

and retaining water therein up to and above highwater mark, and for all the purposes of erecting such aqueducts, pipe lines, dams or water works or other necessary structures in storing and retaining water as above provided, or for any of the purposes provided for by this section, the City shall have the right to occupy and use the beds and shores up to high water mark of any such water course or lakes and to acquire the right by purchase or by condemnation and purchase, or otherwise, any water, water rights, easements or privileges named in this section or necessary for any of said purposes; *provided*, that no such dam or other structure shall impede, obstruct or in any way interfere with public navigation or other public uses of such lake and water course; *provided, further*, that should private property be necessary for any such purposes or for storing water above high water mark, the City of Tacoma may condemn and purchase, or purchase and acquire such private property;

All or any of the powers in this section enumerated may be exercised by the City of Tacoma, and the necessary elections held, bonds or warrants issued or funds created, in the manner as now is or may hereafter be provided by the laws of the State of Washington.

SEC. 6. *Limit of Debt.*—The City may borrow money to be used for strictly municipal purposes, and may incur indebtedness in other ways for said purposes, but it shall not for any purpose become indebted in any manner to an amount exceeding one and one-half per centum on the taxable property in the City, without the assent of three-fifths of the voters in the City voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness of the City at any time exceed five per centum of the value of the taxable property in the City, to be ascertained by the last assessment made for City purposes; *provided*, that the City with such assent may become indebted in a larger amount not exceeding five per centum additional for the purpose of supplying the City and its inhabitants with water, artificial light, and sewers, when the works for supplying such water, light and sewers are owned and controlled by the City.

SEC. 7. *Refunding Indebtedness.*—To secure any existing indebtedness of the City or any indebtedness about to be incurred, the City may, by ordinance adopted in the manner provided in this Charter, authorize the issuance of the bonds of the City therefor, and pledge the faith and property of the City for the payment of such bonds, and direct the time and manner of the issuance of the same, and the time and manner of the payment

of both principal and interest thereof, and may from time to time authorize the refunding of any indebtedness of the City. No bonds shall be sold until they have been advertised for sale at least thirty (30) days preceding the day of sale, nor shall any bonds of the City be sold for less than par and accrued interest, or for a longer time than twenty (20) years.

SEC. 8. *Enumeration of Powers Not Exclusive.*—The City shall also have all powers, privileges and functions which, by or pursuant to the Constitution of this State, have been or could be granted to or exercised by any City of the first class; it being the intent hereof that the specification of particular powers by any other provision of this Charter, shall never be construed as impairing the effect of the general grant of powers of local government hereby bestowed.

SEC. 9. *Exercise of Powers.*—All the powers of the City shall, except as otherwise provided in this Charter, be exercised by the elective officers, subject to distribution and delegation of such powers as provided in this Charter or by ordinance not in conflict herewith.

ARTICLE II.

OFFICERS, EMPLOYEES AND SALARIES.

SEC. 10. *Classification of Service.*—All persons in the service of the City shall be classified as follows:

Class A. Elective Officers, embracing a Mayor, four Councilmen and Controller, each of whom shall be elected at large by the qualified electors of the City.

Class B. Appointive Officers, embracing City Clerk, City Attorney, City Engineer, Chief of Police, a Fire Chief, and such other Chiefs or Superintendents of departments as the Council shall, by ordinance passed in the manner provided in this Charter, create or establish.

Class C. Clerks and Assistants, embracing all persons employed in a clerical capacity or as assistants to officers.

Class D. Employees, embracing all other persons in the service of the City not otherwise classified.

SEC. 11. *Qualifications of Officers.*—No person shall be eligible to any elective office of the City while holding any other office under the City Government, or any office or employment in the State, county or school government, or in the park commission (except that the Mayor and Councilmen shall also be Commissioners of Departments as in this Charter provided). Nor shall any person be eligible to any elective office of the City who at the time of his election is not a citizen of the United States

and a qualified elector according to the laws of the State of Washington and the Charter, nor unless he shall be, at the time of his election, at least twenty-five years of age, and shall have been for three years immediately preceding such election a citizen of the City of Tacoma.

SEC. 12. *Restrictions upon Officers and Employees.*—No officer, elective or appointive, clerk, assistant or employee of the City shall hold any office or employment in the State, county or school government or in the park commission. No person shall be elected or appointed to any office, position or employment, the compensation of which was increased or fixed by the Council while he was a member thereof, until after the expiration of at least one year from the date when he ceased to be a member of the Council.

SEC. 13. *Further Restrictions.*—No officer of the City, whether elective or appointive, nor any Clerk, Assistant or Employee, shall be directly or indirectly interested in any contract with the City, or with any Department, Board, Officer or Employee thereof, nor become security for the performance of any contract or contracts made with or for the City, or upon any bonds given to the City. The violation of the provisions of this section by any such Officer, Clerk, Assistant or Employee shall be sufficient ground for removal from office.

SEC. 14. *Terms of Elective Officers.*—The terms of all elective Officers, except as otherwise provided herein, shall commence at ten o'clock A. M., on the first Tuesday of May, following their election, and except as otherwise provided herein, shall be for four years and until their successors are elected and qualified; *provided, however,* that, of the four Councilmen first elected under this Charter, the term of the two receiving the highest number of votes shall be for four years, and the term of the other two shall be for two years, and the term of the Controller first elected under this Charter shall be for two years.

SEC. 15. *Vacancies—When—How Filled.*—If a vacancy occur in the office of Mayor, Councilman or Controller, the Council shall appoint an eligible person to fill such vacancy until the next general municipal election, subject to the provisions of Article XV. of this Charter. Any vacancy shall then be filled by election for the unexpired term. Vacancy shall exist when an elective officer fails to qualify for ten days after notice of his election, dies, resigns, is removed from office, removes from the City, absents himself continuously therefrom for more than three months, is convicted of a felony, or judicially declared incompetent to transact business.

SEC. 16. *Removal of Mayor or Councilmen.*—In case of misconduct, inability or wilful neglect in the performance of the duties of his office, the Mayor or any Councilman may be removed from office by the Council by a vote of four members, but he shall be given an opportunity to be heard in his defense and shall have the right to appear by counsel and to have process issue to compel the attendance of witnesses who shall be required to give testimony, if he so request. In such cases the hearing shall be public and a full and complete statement of the reasons for such removal, if he be removed, together with the findings of fact as made by the Council, shall be filed by the Council with the City Clerk and shall be and become a matter of public record.

SEC. 17. *Office Hours.*—It shall be the duty of each of the elective officers of the City to maintain regular office hours at the City Hall. The Council shall by ordinance fix the office hours of all other Officers, Clerks, Assistants and Office Employees.

SEC. 18. *Salary of Mayor.*—The salary of the Mayor shall be Four Thousand Dollars per annum, payable in equal monthly installments.

SEC. 19. *Salary of Councilmen.*—The salary of each Councilman shall be Thirty-six Hundred Dollars per annum, payable in equal monthly installments.

SEC. 20. *Salary of Controller.*—The salary of the Controller shall be Twenty-four Hundred Dollars per annum, payable in equal monthly installments.

SEC. 21. *Salaries of Other Officers, Clerks, Etc.*—Except as herein otherwise provided, the Council shall by ordinance fix the compensation of all salaried Officers, Clerks, Assistants and Employees, and until such compensation has been fixed by ordinance as aforesaid, the same shall remain as now provided.

SEC. 22. *Removal Terminates Salary.*—In case of removal of any Officer, Clerk, Assistant or Employee his right to salary or compensation shall thereupon cease.

SEC. 23. *Appointment by Council.*—The City Clerk and City Attorney shall be appointed by the Council, and commissioned by the Mayor.

SEC. 24. *Appointments Confirmed by Council.*—Upon the appointment by the Commissioner of the appropriate department, and confirmation by the Council, the Mayor shall commission all other appointive officers as in this Article defined.

SEC. 25. *Appointment of Clerks, Assistants, Etc.*—Upon the appointment of the Commissioner of the appropriate department, the Mayor shall commission all Clerks and Assistants and

Employees; except day laborers and unskilled workmen, who shall be employed by the Commissioner of the appropriate department.

SEC. 26. *Oaths.*—Every officer shall, before he enters upon the duties of his office, take, subscribe and file with the City Clerk, an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Washington, and to faithfully perform the duties of the office upon which he shall be about to enter.

SEC. 27. *Bonds.*—If any Officer, Clerk, Assistant or Employee, is required by law or by this Charter or by ordinance to give bond, he shall not be deemed qualified for his office or employment until such bond has been duly approved and filed. All such bonds must be approved by the Mayor and Controller, and the Controller shall be the custodian thereof, except as to the bond of the Controller, which shall be approved by the Mayor and Commissioner of Finance, and the Mayor shall have custody thereof.

Within ten days after the election or appointment of any such Officer, Clerk, Assistant or Employee has been legally made or declared, he shall deliver such bonds to the City Clerk in the penal sum and with such surety or sureties as shall be so required, conditioned that he will faithfully and impartially perform the duties of his office or employment.

Bonds of surety, guaranty, indemnity or insurance companies, which are organized and empowered by law to give such bonds, shall be deemed equivalent to ordinary official bonds executed by such officers and signed by other sureties.

No such bond shall be held to be void because of any defect in form, recital, conditions or substance, nor shall any principal or surety be discharged from liability thereon because of any such defect; but every bond intended as an official bond or an employee's bond under this section shall hold and bind the parties to it to the full extent contemplated by the law, Charter or ordinance requiring the same.

Any Officer, Clerk, Assistant or Employee who shall accept any office or employment to which he may be elected or appointed, shall be held bound in the penal sum of any bond required by Charter, ordinance or by law to be given by him for the faithful and impartial performance of the duties of his office or employment whether in fact such bond be given or not.

A reasonable charge by a surety company for qualifying upon such bonds may, when approved by the Commissioner of Finance, be paid by the City upon appropriation by the Council.

SEC. 28. *Shall Receive no Commission or Profit.*—No officer, Clerk, Assistant or Employee shall receive any commission, money or thing of value, or derive any profit, benefit or advantage, direct or indirect, from or by reason of any dealings with or services for the City by himself or others, or from or by reason of any alterations, improvements or repairs required or done by authority of the City, except his lawful compensation as such Officer, Clerk, Assistant or Employee and except his share of the public benefit.

No Officer, Clerk, Assistant or Employee shall accept directly or indirectly, from the holder of any public utility franchise in the City, any frank, free ticket, free service, or other service upon terms more favorable than those granted to the public generally. This prohibition shall not extend to nor be construed to prohibit the City from requiring from or receiving from any person or corporation owning or operating or applying for a franchise, to construct or operate any street car line within the City, free transportation for any of the Officers, Clerks, Assistants or Employees of the City while in the actual discharge of their duties, such free transportation to be furnished to the proper Officers of the City for distribution to such employees; nor shall this prohibition be construed to apply or extend to telephone service or use by the City of poles, wires or conduits required from any telephone company by the terms of any franchise which has been or may hereafter be granted by the City.

Any violation of this section shall be ground for removal.

SEC. 29. *Religious or Political Opinions Not to Affect Appointments.*—All appointive officers and employees of the City shall be selected or appointed with reference to their qualifications and fitness, and for the good of the public service. No appointment to position under the City government shall be made or withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or services. Any violation of the provisions of this section shall be ground for removal from office of the party guilty thereof.

SEC. 30. *Official Books, Records, Etc.*—(a) All books, records and papers of every office, department, board or commission are City property and must be kept as such by the proper officers or employees during their continuance in office, and then delivered to their successors, who shall give duplicate receipts therefor, one of which shall be filed with the City Clerk. The

failure to deliver such books, records and papers shall be a misdemeanor.

(b) Certified copies or extracts from the books, records and files shall be given by the Officer, Board, Commission or Employee having the same in custody, to any person demanding the same and paying for such copies or extracts; but the records of the Police Department shall not be subject to inspection or copy without the permission of the appropriate Commissioner.

(c) All equipments, collections, models, materials, instruments, tools and implements which are collected, maintained, used or kept by the City or by any Department, Board or Commission, shall be City property, and be duly turned over by the custodian thereof to his successor, or duly accounted for.

SEC. 31. *Attend to Duties.*—All persons holding any office or employment under the City, whether elective or appointive, shall be required to engage in the actual work of the office or employment so held, to the extent that their services may be necessary for the full and complete discharge of the duties of said office or employment, and a failure so to do shall be ground for removal.

SEC. 32. *Officers Personally Liable.—Salary Fixed.*—For gross misconduct or malfeasance in office, the officer guilty thereof shall be personally responsible for all damages accruing thereby, either to the City or to any person, firm or corporation.

The salaries fixed in this Charter for elective officers shall be considered their full compensation for all duties performed by them, whether as such officers, or as Commissioners of any departments, or otherwise.

ARTICLE III.

THE COUNCIL.

SEC. 33. *Legislative Powers.*—The legislative powers of the City shall, except as otherwise provided in this Charter, be vested exclusively in a Council which shall consist of the Mayor and four Councilmen.

SEC. 34. *President and Vice-President.*—The Mayor shall be ex-officio President of the Council and when present shall preside at all meetings of the Council. The Council shall elect one of its members to be Vice-President, who, during the absence or disability of the Mayor, or while any vacancy exists in the office of the Mayor, shall possess all the powers and perform all the duties of the Mayor.

SEC. 35. *Rules—Journal—Public.*—The Council shall establish rules for its government, keep a journal of its proceed-

ings, which shall be a public record, and permit the publication of the same. The ayes and nays shall be called upon any question upon the demand of any member, and a vote so taken shall be entered in full upon the journal.

SEC. 36. *Meetings—Two Kinds—Public.*—At ten o'clock A. M., on the first Tuesday in May following the canvass of the municipal election, the Council shall meet, at which time the newly elected Councilmen shall assume the duties of their office.

The Council shall meet at such other times as it may by Ordinance or Resolution determine, *provided*, that it shall meet in legislative sessions at least weekly.

The Council shall meet daily in administrative sessions at an hour to be fixed by Ordinance or Resolution, but no legislative business shall be considered or acted upon at such meetings.

Special legislative meetings of the Council shall be called by the City Clerk upon the written request of the Mayor or any two Councilmen; said request to state the subjects to be considered at the meeting and no other subject shall be considered at such meeting. All the meetings of the Council shall be public.

SEC. 37. *Quorum—Clerk of Council.*—A majority of all the members of the Council shall constitute a quorum to do business, but a less number can adjourn from day to day or until the next regular meeting, and may compel the attendance of absent members in such manner as the Council may by Ordinance or Resolution provide.

The City Clerk shall be the Clerk of the Council and shall, with the Mayor, sign and attest all ordinances and resolutions.

SEC. 38. *Ordinances.*—(a) The legislative acts of the Council shall be by Ordinance, the subject of which shall be clearly set out in its title; and no ordinance shall contain more than one subject. The enacting clause of every ordinance shall be "Be it Ordained by the City of Tacoma." Every member, when present, must vote and every Ordinance shall require on final passage, the affirmative vote of at least three members.

(b) The ayes and nays shall be taken upon the passage of all Ordinances and Resolutions, and shall be entered upon the Journal.

(c) No Ordinance shall be passed finally on the date of its introduction, except in the case of public emergency, and then only when requested by the Mayor or two Councilmen in writing, which request shall be filed with the City Clerk. No Ordinance making a grant of any franchise or special privilege shall ever be passed as an emergency measure.

(d) Every Ordinance shall, within five days after its passage, be published once in the official newspaper of the City, and no Ordinance shall take effect or be in force until after the expiration of ten days from such publication, excepting emergency Ordinances which shall take effect immediately after publication, subject always to the provisions of Article XVIII. of this Charter. *Provided, however,* that no Ordinance granting a franchise shall become effective until after the expiration of thirty days from the date of its publication.

(e) Every Ordinance after its passage shall be recorded in a book to be called "Ordinance Record" kept for that purpose, which record of each Ordinance shall be authenticated by the signatures of the Mayor and that member of the Council who is acting Commissioner of Finance, and attested by the City Clerk.

(f) No Ordinance obligating the City for the payment of more than One Thousand Dollars (\$1,000), or vacating any street, highway or alley or any part thereof, shall be passed before the second regular legislative meeting of the Council after its introduction, nor until read in full at two regular legislative meetings of the Council.

(g) No Ordinance or section thereof shall be revised or amended except by Ordinance adopted in the manner provided in this Charter appropriate to the subject matter of the Ordinance so amended or revised, which new Ordinance shall contain the entire Ordinance or section as amended and shall repeal the Ordinance or section so amended; nor shall the Council by resolution or motion exempt any person or corporation from the provisions or requirements of any Ordinance, nor suspend any Ordinance or portion thereof except by another Ordinance repealing the same, and no ordinance or section thereof shall be repealed except by Ordinance adopted in the manner provided in this Charter.

SEC. 39. *Appropriations of Money.*—All appropriations of money shall be by Ordinance, and no money shall be drawn from the Treasury except in pursuance of an appropriation; *provided, always,* that where a fund has been created to be expended for a specific purpose, the same may be paid as therein provided by order of the Council or proper Board or Officer having charge of such specific fund.

SEC. 40. *Structures on Streets.*—The Council shall not allow or permit the erection of any house, building, booth, stand, or like structure, in any street, avenue or alley, within the limits of the City; *provided,* that this section shall not apply to drinking fountains.

SEC. 41. *Power to Establish Offices.*—The Council shall, consistent with the provisions of this Charter, create any office; position or employment that may in its opinion be necessary or expedient, and fix the salary and duties thereof. It may at any time abolish the same, whereupon the salary attached thereto shall cease.

SEC. 42. *Monthly Statements.*—The Council shall cause to be printed each month in pamphlet form a statement of all receipts and expenditures of the City, by Departments, and a summary of its proceedings during the preceding month, and furnish printed copies thereof to the Public Library, the daily newspapers of the City, and persons who shall apply therefor at the office of the City Clerk.

SEC. 43. *Exercise of Certain Powers.*—The powers of the City enumerated in Sec. 4 of Article I. of this Charter shall be exercised by Ordinance adopted in the manner provided in this Charter.

SEC. 44. *Vote on Appointments.*—All votes upon appointments shall be by roll call, and the ayes and nays shall be recorded. The vote of at least three members shall be necessary for appointment.

SEC. 45. *Vote on Salaries.*—The fixing of salaries of appointive officers and employees shall be by Ordinance, and at least four votes shall be required for the passage of such Ordinance.

SEC. 46. *Official Newspaper.*—The Council shall annually let the public printing to the lowest and best bidder, who shall give a bond to the City in such sum as may be fixed by the Council, to well and faithfully perform the contract, should he receive the contract for doing the City printing; and it shall be the duty of the Council, after having let the contract for the City printing to designate the newspaper published by the party receiving said contract as the official newspaper of said city. All Ordinances, Resolutions, Notices, and Assessment Sales, and other Proceedings, Statements, doings or matters of the City required to be published shall be published therein.

SEC. 47. *Vacation of Streets, Change of Grade, Appropriation of Private Property.*—All proceedings for the vacation of any street, highway or alley, or any part thereof, or for the change of grade thereof, by the Council, and all proceedings for the appropriation of private property for use by the City, shall be had and conducted as is now or may hereafter be provided by general law.

ARTICLE IV.

MAYOR.

SEC. 48. *Mayor Chief Executive.*—The Mayor shall be the chief executive officer of the City of Tacoma; shall be ex-officio a member of the Council, and it shall be his duty to participate in all proceedings of the Council, and he shall have a vote on all questions coming before the Council.

SEC. 49. *Have Supervision of Departments, Officers and Employees.*—He shall vigilantly observe the official conduct of all public officers and take note of the fidelity and exactness, or the want thereof, with which they execute their duties and obligations, especially in the collection, custody, administration and disbursement of the public funds and property; and the books, records and official papers of all Departments, Boards, Officers and persons in the employ or service of the City, shall at all times be open to his inspection and examination; and a failure or refusal of any such Officers, Clerks, Assistants or Employees to exhibit books or papers or records so required shall be ground for removal. He shall take special care to see that the books and records of said Departments, Boards, Officers and persons are kept in legal and proper form; and any official defalcation or wilful neglect of duty or official misconduct which he may discover, or which shall be reported to him, shall be laid by him before the Council and the Grand Jury or Prosecuting Attorney of Pierce County, in order that public interests shall be protected and the person in default be proceeded against according to law. He shall from time to time give the Council information in writing relative to the state of the City, and shall recommend such measures as he may deem beneficial to its interest. He shall take care that this Charter, the laws of the State, and the Ordinances of the City are duly enforced within the City and its jurisdiction. He shall have a general supervision over all the departments and public institutions of the City, and see that they are honestly, economically and lawfully conducted. He shall, with the aid of the Commissioner of Public Safety, take all proper measures for the preservation of public order and the suppression of all riots and tumults, for which purpose he is authorized and empowered to use and command the police force.

SEC. 50. *Sign Contracts and Other Instruments.*—The Mayor shall sign all deeds, contracts, bonds and other instruments requiring the assent of the City. He shall see that all contracts and agreements with the City are faithfully kept and performed, and to that end shall, when so directed by the Council, cause legal proceedings to be commenced and prosecuted in the name of

the City against all persons or corporations failing to fulfil their agreements or contracts, either in whole or in part. He shall sign all complaints, answers and replies in any suit in which the City is made a party.

SEC. 51. *Appoint Experts.*—The Mayor shall have power, with the approval of the Council, to appoint experts to examine the affairs of any Officer or Department of the City whenever he shall deem it necessary.

SEC. 52. *Employ Public Accountant.*—The Mayor shall employ for a stipulated compensation at the beginning of each fiscal year, a certified public accountant, who shall examine at least once each year the books, records and reports of the Treasurer and of all Officers and Employees who receive or disburse City moneys, and the books, records and reports of such other Officers, Clerks, Assistants, Employees and Departments as the Mayor or Council may direct; and make quadruplicate reports thereof, and present one each to the Mayor and Commissioner of Finance, and file one with the City Clerk and one with the City Controller. Such accountant shall have unlimited privilege of investigation and examination under oath or otherwise of Officers, Clerks, Assistants and Employees of the City; and every such Officer, Clerk, Assistant and Employee shall give all required assistance and information to such accountant, and submit to the accountant such books and papers of his office as may be requested, and the failure or refusal so to do shall be ground for removal of such Officer or Employee so refusing. The Council shall provide for the payment of the services of such accountant, by Ordinance.

SEC. 53. *General Powers.*—The Mayor shall have and exercise such powers, prerogatives and authority as are conferred by the provisions of this Charter, or as may be conferred upon him by the Council, or by the general laws of the State, not inconsistent with the general purposes and provisions of this Charter.

ARTICLE V.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

SEC. 54. *Distribution.*—The executive and administrative powers, authority and duties of the City of Tacoma, not otherwise provided for, shall be distributed among five Departments, as follows:

First—Department of Public Affairs, Health and Sanitation.

Second—Department of Public Safety.

Third—Department of Public Works, Streets, Improvements and Property.

Fourth—Department of Light and Water.

Fifth—Department of Finance.

SEC. 55. *Commissioners of Departments — Bonds.* — The Mayor shall be the Commissioner of Public Affairs, Health and Sanitation. The Council at its first regular meeting after the election of its members shall designate by majority vote one Councilman to be Commissioner of Public Safety; one to be Commissioner of Public Works, Streets, Improvements and Property; one to be Commissioner of Light and Water; and one to be Commissioner of Finance. *Provided, however,* that if the Council is unable to agree upon such designation, the Mayor shall have the authority to make such designation.

Each Commissioner, except the Commissioner of Finance, shall give a bond to be approved and filed as in this Charter provided, in the sum of Ten Thousand Dollars, conditioned for the faithful discharge of his duties as such Commissioner.

Each Commissioner shall, once each month on the day to be designated by the Council, submit to the Council a statement of all receipts and expenditures of his department and a summary of its doings for the preceding month.

SEC. 56. *Council May Change Designations.*—The Council may change such designations, except that of Department of Public Affairs, Health and Sanitation, by Ordinance or by Resolution, whenever it shall determine that the public service requires such change.

SEC. 57. *Council Assign Duties.*—The Council shall determine and assign the duties of the several departments, not inconsistent with the provisions of this Charter and not otherwise provided herein; shall prescribe the duties of appointive officers and employes; may assign particular Officers and Employees to one or more of the departments may require an Officer or Employee to perform duties in one or more departments, and may make such other rules and regulations as may be deemed necessary or proper for the efficient and economical conduct of the business of the City.

SEC. 58. *Commissioner Have Supervision.*—The Commissioner for each of the departments shall have the supervision and control of all of the affairs and property belonging to such department, except as otherwise provided in this Charter, or by Ordinance, subject to such regulations as may be prescribed by the Council.

SEC. 59. *Commissioner Purchase Supplies.*—The Commissioner for each of said Departments shall make such purchases of materials and supplies for his Department as may be author-

ized by the Council or by general ordinance passed in the manner provided in this Charter, but he shall make no purchase of any material or supplies of an amount or value in excess of Five Hundred Dollars, except upon written contract and after advertising for competitive bids for furnishing such materials or supplies, by causing notice inviting sealed proposals therefor to be posted conspicuously in the office of such Commissioner and published in the Official Newspaper for not less than five days. Said notice and advertisement shall invite sealed proposals to be delivered at a certain day and hour at the office of such Commissioner for furnishing materials or supplies, and shall contain a general description of the materials or supplies to be furnished, the time within which the same must be furnished, the amount of bond to be given by the contractor, and shall refer to specifications on file in the office of said Commissioner for full details and description of such materials or supplies. All proposals shall be made upon printed forms prepared by the Commissioner of such Department, and furnished gratuitously upon application, with a form for the affidavit provided for in Section 117, of this Charter, printed thereon; and each bid shall be accompanied by an affidavit as provided in said section. On the day and hour specified in said notice inviting sealed proposals, all bids shall be delivered to the Commissioner by the bidder or his agent within the two hours named in the advertisement, and the award on said bids shall in all cases be made to the lowest and best bidder, and in the manner, so far as applicable, as set out in Section 118 of this Charter.

SEC. 60. *Contracts—How Executed.*—All contracts entered into by the Commissioner of any Department shall be executed in triplicate, on behalf of the City, by the Mayor, and countersigned by the Controller; one of which copies shall be filed with said Commissioner, one with the Controller, and the other delivered to the contractor.

SEC. 61. *Bonds of Contractors.*—The performance of every contract entered into by the Commissioner of any Department on behalf of the City, shall be secured by a reasonable bond, the amount of which shall be fixed by the Commissioner in his advertisement for bids, except as otherwise provided in this Charter. All bonds required by this Section shall be approved by the Controller before acceptance, and filed in the Controller's office.

Provided, that, in case of any contract for work, labor or material, or for work, labor and material, for which if the same

were done or furnished for a private party, a lien could be taken, the contractor shall, in the bond given thereon, also provide for the protection of all laborers, mechanics, sub-contractors and material men, and all persons who shall supply such contractor or sub-contractor with provisions or supplies for the carrying on of such work, all just debts, dues and demands incurred in the performance of such work as required by law, which bond shall be in an amount and executed with such sureties and conditioned as provided in Section 121 of this Charter, and shall be filed in the office of the Controller.

ARTICLE VI.

DEPARTMENT OF HEALTH AND SANITATION.

SEC. 62. *Commissioner Have Supervision—Appointments.*

—The Commissioner of Public Affairs, Health and Sanitation shall have general supervision of the Department of Health and Sanitation. He shall appoint and, as Mayor, shall commission a Health Officer, City Chemist, Market and Pure Food Inspector, and Plumbing Inspector, subject to confirmation by the Council. Said Officers shall be classed in Class B of the City service for all the purposes of this Charter. He shall also appoint and, as Mayor, commission all such other Inspectors, Clerks, Assistants and Employees as may be provided by the Council by Ordinance for the efficient administration of this Department of the City Government. Such other appointees shall be, unless otherwise provided by Ordinance, classed in Class C of the City service for all the purposes of this Charter.

SEC. 63. *Authority of Commissioner and Inspector.*—Said Commissioner shall have general supervision over the sanitary condition of the City, and shall have power to compel owners of property to keep the same free from anything filthy, obnoxious or dangerous to health. He, or any authorized Inspector of his Department, shall inspect, when called upon by any person, or when in his or their opinion it seems necessary, all provisions, meats, fish, fruit, vegetables, bread, flour, pork, whisky, beer, wine, milk and water, and all liquids and any and all things offered for sale to be used as food or drink, and shall have the right to enter for the purpose of making such examination and inspection, any place or building where any provisions, fruits, vegetables, whisky, beer, wine, milk or other liquids are kept for sale; and no person shall be permitted to sell or dispose of anything pronounced by said Commissioner as unfit to be used for food or drink, and all such articles or things shall be seized and destroyed by said Commissioner.

SEC. 64. *Qualifications of Health Officer, Etc.*—The Health Officer shall be a graduate of a reputable medical college and shall have practiced medicine for at least five years. He shall have been a resident of this City for at least two years next preceding his appointment, and shall be licensed to practice medicine in this State, and shall have his license filed with the County Clerk of Pierce County, in accordance with general law. Such Health Officer shall devote as much time as is necessary to the duties of his office. The City Chemist shall be a person skilled and qualified for the efficient and capable performance of the duties usually appertaining to such office. The Plumbing Inspector shall be a plumber of five years' practical experience and regularly licensed under the laws of this State.

SEC. 65. *Power of Arrest.*—The Commissioner of Public Affairs, Health and Sanitation, and all regularly appointed Employees of the Department of Health and Sanitation shall have the right and power to arrest any person or persons who may violate any of the rules and regulations of the Department. It shall also be the duty of any Police Officer or Policeman to arrest any person or persons guilty of such violation.

SEC. 66. *Council Make Ordinances.*—The Council shall make all Ordinances and regulations which may be necessary or expedient for the preservation of the public health and the suppression of disease.

SEC. 67. *Duties of Physicians and Householders.*—Every person in the City shall promptly report in writing to the Department of Health and Sanitation, every patient whom he shall have sick of an infectious, contagious or communicable disease dangerous to public health; and every householder, upon reasonable notice from said Department, that an occupant of his or her house is suffering from any infectious, contagious or communicable disease, dangerous to the public health, shall forthwith adopt such preventive means and regulations as said Department shall prescribe. Every person who shall fail to report such case of sickness as required herein, and every householder who shall fail to comply with the rules, requirements and regulations of said Department, shall be subject to such fines and penalties as the Council may by Ordinance prescribe.

SEC. 68. *Harbor Master—Appointment and Duties.*—The Commissioner of Public Affairs, Health and Sanitation shall appoint, and, as Mayor, commission a Harbor Master, who shall have supervision over the harbor and wharves within the City limits, under the general direction of said Commissioner. He shall recommend to said Commissioner any health regulation that in.

his judgment may be required within the harbor limits of the City. He shall see that proper lights are established and maintained on the wharves and in the harbor, look after buoys and anchorage for vessels. The Harbor Master shall recommend to the Commissioner of Public Works such improvements and things necessary to be done, and to the Commissioner of Safety such police regulations as in his judgment may be required. He shall have such other power and perform such other duties as may be prescribed by Ordinance.

ARTICLE VII.

DEPARTMENT OF PUBLIC SAFETY.

SEC. 69. *Commissioner Have Supervision—Appointments.*—The Council shall, by Ordinance, provide for the establishment and maintenance of a Police Department, a Fire Department, a Free Municipal Employment Office, the office of License Inspector, and the office of Building Inspector. The Commissioner of Public Safety shall have supervision and control of these Departments and Offices, and upon the appointment of the Commissioner, the Mayor shall commission a Chief of the Police Department, a Chief of the Fire Department, a Superintendent of the Employment Office, a License Inspector, and a Building Inspector, subject to confirmation by the Council.

POLICE DEPARTMENT.

SEC. 70. *Duties of Chief of Police.*—The Chief of Police shall be the head of the Police force of the City, and all Policemen shall be under his immediate direction and command. All Policemen shall, while in office, be considered the deputies of the Chief of Police, and shall have the same power as the Chief in regard to the execution and service of process and arresting offenders with or without warrant within the City limits. The Chief of Police must execute all process issued by the Police Justice or any committing Magistrate of the City; he must attend regularly upon the Police Courts of the City and the meetings of the Council; he shall make arrests for breach of the peace, for commission of crime or misdemeanor, with or without warrant, as a peace officer may do under the laws of the State of Washington; he shall exercise vigilant control over the peace and quiet of the City; he shall have supervision over the City Jail, unless otherwise provided by Ordinance. He shall keep a correct record of all arrests made by him or any policeman, showing the time when and the cause of complaint upon which such arrest was made; and shall submit in writing, at least once each month, a full report to the Commissioner of Public Safety.

He shall perform such other duties and have such other powers as shall be provided by Ordinance.

SEC. 71. *Appointment of Police Officers.*—Upon appointment by the Commissioner of Public Safety, the Mayor shall commission such Captains, Sergeants and other sub-officers as the proper organization of the police force may require, including a Public Morals Officer. Such Police Officer shall be classed in Class C of the City service for all the purposes of this Charter.

SEC. 72. *Appointment of Policemen.*—Upon appointment by the Commissioner of Public Safety, the Mayor shall commission such number of Policemen as may from time to time be provided for by the Council by Ordinance. Such Policemen shall be classed in Class D of the City service for all the purposes of this Charter.

SEC. 73. *Police Matron—Appointment of.*—Upon the recommendation in writing of not less than twenty women, residents of the City in good standing, a Police Matron shall be appointed by the Commissioner of Public Safety and Commissioned by the Mayor. She shall be subject to the Commissioner of Public Safety, and shall have such powers and rights and perform such duties as are now or may hereafter be provided by law.

SEC. 74. *Police Justice—Powers—Salary.*—Within ten days after the election of Justices of the Peace in the City of Tacoma under the general law, the Mayor shall appoint one of the Justices so elected, a Police Justice of the City, who shall have such powers and jurisdiction and perform such duties as Police Justice as are now or may hereafter be provided by the general law of the State or by Ordinance passed in the manner provided in this Charter.

The salary of such Police Justice to be fixed in addition to his salary as Justice of the Peace, shall be fixed by the Council by Ordinance, and such additional salary shall be paid wholly out of the funds of the City in equal monthly installments. The salary shall be as now fixed by Ordinance until changed by Ordinance adopted in the manner provided in this Charter.

FIRE DEPARTMENT.

SEC. 75. *Appointment of Officers, Etc.*—Upon appointment of the Commissioner of Public Safety, the Mayor shall commission such Assistant Chiefs, Captains and other sub-officers as the proper organization of the Fire Department may require. Such appointees shall be classed in Class C of the City service for all the purposes of this Charter.

SEC. 76. *Appointment of Firemen.*—Upon appointment by the Commissioner of Public Safety, the Mayor shall commission such number of Firemen as may from time to time be provided for by the Council by Ordinance. Such firemen shall be classed in Class D of the City service for all the purposes of this Charter.

SEC. 77. *Powers of Chief.*—The Chief of the Fire Department shall have immediate control and management of all fire engines and fire apparatus belonging to the City, and all members and employees of the Fire Department shall be under his immediate control and command. He shall submit in writing, at least once each month, to the Commissioner of Public Safety, a statement of the number of men employed, their compensation, condition of his Department, and such other things as may be necessary to apprise him of the condition of the Fire Department. He shall have such other powers and perform such other duties as shall be provided by Ordinance.

LICENSE INSPECTOR.

SEC. 78. *Duties of.*—It shall be the duty of the License Inspector to make recommendations to the Commissioner of Public Safety in reference to all applications for licenses submitted to the Council; he shall be vigilant in seeing that the terms of all such licenses issued are complied with; he shall at all times have authority to inspect all licenses issued, except as otherwise provided in this Charter, and to examine the building, place, or premises where the privileges granted by any license are being exercised; he shall have the power and authority to enforce compliance with the terms of all licenses issued. He shall perform such other duties and have such other powers as the Council shall prescribe.

EMPLOYMENT OFFICE.

SEC. 79. *Duties of Superintendent.*—The Superintendent of the Free Municipal Employment Office shall keep in touch with labor conditions in Tacoma and the surrounding country, and shall be diligent in seeking to obtain work for the unemployed. He shall inspect and supervise all licensed employment agencies in the City. He shall notify those seeking employment whether or not strike conditions prevail at the place where they intend going. He shall also require all licensed employment offices in the City to give similar notice. Failure to do so will be sufficient ground for the revocation of their licenses. He shall perform such other duties and have such other powers as the Council may prescribe.

BUILDING INSPECTOR.

SEC. 80. *Duties of.*—The Council shall by Ordinance prescribe the duties of the Building Inspector. Until such Ordinance is passed his powers and duties shall be governed by Ordinances now existing.

ARTICLE VIII.

DEPARTMENT OF PUBLIC WORKS, STREETS, IMPROVEMENTS
AND PROPERTY.

SEC. 81. *Commissioner Have Supervision.*—The Commissioner of the Department of Public Works, Streets, Improvements and Property shall be known as the Commissioner of Public Works. He shall have the supervision and control of all streets, public works, ways, public places, buildings, and improvements, except as otherwise provided in this Charter or by Ordinance adopted in the manner provided in this Charter.

SEC. 82. *Clerks and Employees.*—There shall be appointed in the manner provided in the Charter, a Chief Clerk of the Commissioner of Public Works, a City Engineer, and all such other Clerks, Assistants and Employees for said Department as may, in the opinion of the Council, be or become necessary to the efficient administration of said Department.

SEC. 83. *Duties of Chief Clerk.*—The Chief Clerk of the Commissioner shall keep a record of all of the transactions of the Department. He shall cause the publication of all notices authorized by this Article or by any Ordinance to be published in connection with any of the affairs or business of the Department. He shall perform such other duties as the Commissioner of said Department shall prescribe.

SEC. 84. *Commissioner Have Charge of Improvements.*—Subject to the direction and control of the Council and Laws of the State of Washington and Ordinances of the City, the Commissioner of Public Works shall have charge of and superintend all local improvements. He shall also have charge of and superintend such other public works of the City as may by Ordinance be assigned to his Department.

SEC. 85. *Commissioner Custodian of Maps, Etc.*—The Commissioner of Public Works shall have possession of and keep all maps, surveys and field-notes relative to surveys and plats of the City and of streets and public places thereof, and all plans, specifications, contracts, books, documents, papers, machinery, tools and appliances belonging to the City and pertaining to matters, by this Charter or by Ordinance of the Council, assigned to said Department of Public Works, Streets, Improvements and Property, and all other property belonging to the

City not otherwise provided for in this Charter. He shall file such data and furnish such information as may be required by the Council.

SEC. 86. *Other Duties and Powers.*—The Commissioner of Public Works shall have special charge and control, subject to such Ordinances as the Council may adopt, of all improvements of the harbor and water front, and control of all streets, highways, roads, bridges, wharves, ferries and public places belonging to the City or dedicated to public use, and of the improvement and repair thereof, except as otherwise provided in this Charter; of all sewers, drains and cesspools, and all work pertaining thereto, or to the drainage of the City; of the cleaning and sprinkling of streets and of repairs upon streets; of the construction and repair of public buildings and the making of public improvements for the City under his authority, and of the repair of such improvements. He shall have exclusive authority to prescribe rules and grant permits in conformity with the ordinances of the City, for the moving of buildings through the streets, the building or placing of cellars or vaults under the streets or sidewalks, and the construction of steps or other approaches to buildings; the putting up of signs and awnings; the location of steam boilers, the laying down and construction of railroad tracks in the streets; the erection of telephone and telegraph poles and wires; the construction of drains and sewers; the laying down and taking up of gas, steam and water pipes, pneumatic or other tubes and pipes, and sewers and drains, and determining the location thereof and prescribing such rules as shall prevent unnecessary damage to the streets by reason of the laying of said pipes, tubes and sewers, and which shall prevent interference with such systems; the use of the streets or any portion thereof in front of a building during its construction or repair, or for any other purpose than such as ordinarily and properly belongs to the public from the dedication thereof to public use. He shall have full power to regulate and control, subject to the ordinances of the City and the powers delegated by this Charter and the Council to other Commissioners having peculiar and special charge of any public places, of the anchorage of vessels in the harbor of the City, the manner of using the streets, sidewalks, wharves, harbors, parks and public places, and to prevent and remove obstructions therefrom, and to cause the prompt repair of streets, sidewalks and public places when the same may be taken up and altered. He is authorized to collect, by suit or otherwise, in the name of the City, the expense of such repairs from the person or persons by whom such

sidewalk or street was injured or torn up. He shall regulate, subject to the requirement of the Commissioner of Public Affairs, Health and Sanitation and the Ordinances of the Council, the construction of sinks, gutters, wells, cesspools and privy vaults, and compel the cleaning and emptying of the same, and regulate the time and manner in which such work shall be done.

CITY ENGINEER.

SEC. 87. *Qualifications, Duties, Powers.*—No person shall be eligible to the office of city Engineer who is not a civil engineer of practical experience. He shall do all civil engineering and surveying required in the prosecution of all public works assigned to the Department of Public Works, and in the prosecution of all local improvements done under the direction of the Commissioner of Public Works, and shall do and perform any and all other work that may be required of him by the Council, whether the same pertains to said Department or any other of the Administrative Departments of the City; he shall certify the progress and completion of all such work, and do such other work in connection with the Department of Public Works as he may be directed to do by the Commissioner of said Department. He shall possess the same power in the City in making surveys, plats and certificates, as is or may be from time to time given by law to the County Engineer, and his official acts, and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are or may be given by law to those of the County Engineer.

SEC. 88. *Engineer's Charges.*—The Council shall by Ordinance, upon the recommendation of the Commissioner of Public Works, establish such charges as may be proper for the services to be performed by the City Engineer other than for the City, not inconsistent with the laws of the State, and may, upon like recommendation, change and adjust the same. Said Engineer may require such charges to be paid in advance to the Clerk of the Commissioner for any official act or service demanded of him, and the money received for such service shall be turned over to the Treasurer and placed to the credit of the general fund. Duplicate receipts shall be given for such fees or charges, one of which shall be filed with the Controller.

SEC. 89. *Plats of Additions—Surveys, Monuments.*—The Council shall regulate and provide the manner in which additions to the City shall be subdivided, laid out and platted, and may cause an official map of the City to be made and kept for public inspection, which map, certified by the City Engineer, shall be prima facie evidence that the lines as they appear are

correct; and all surveys made by the City Engineer at the instance and expense of the City or private parties shall be official surveys, and a minute thereof shall be kept by the City Engineer as a part of his official records, and shall be prima facie evidence of their own correctness, and the City shall have power to prevent the sale of any real property not subdivided as aforesaid, and a plat whereof is not made and filed as herein provided, and to compel the establishment and maintenance of monuments, and to pass any and all Ordinances necessary or expedient for carrying any of the provisions of this section into effect, and to fine or imprison, or both, for a violation thereof; and when the boundary or existence of any public street, alley, square or easement is in doubt, and the land claimed by a private party, the City may file a bill in equity to determine the right thereto.

STREET IMPROVEMENT.

SEC. 90. *Applications for—Council's Authority to.*—All applications for establishing or changing the grade of any street or streets, the improvement of public grounds or buildings, the laying out, establishing, opening, vacating, closing, straightening, widening or improving of any street, road or highway, or for the construction of any bridge or viaduct, or laying out or opening of any new street through public or private property, and for all public improvements which involve the necessity of taking private property for public use, or where any part of the cost or expense thereof is to be assessed upon private property, shall be made to the Commissioner of Public Works, and such work or improvement shall not be ordered or authorized until after he shall have reported to the Council upon said application. But before any work or improvements as above contemplated shall be commenced, the Council, when recommended by the Commissioner of Public Works, shall pass a resolution ordering that said work be done, *provided*, that all applications for the purpose of changing the grade or of making any improvement of any street, avenue or alley within the City, shall be signed by the owners of more than one-half of the property abutting on said street, avenue or alley; *provided, further*, that the Council may, without petition or recommendation, have power to order the improvement of any street, avenue or alley, or any part thereof, of the building of any bridge or viaduct, by a vote of four members of the Council.

SEC. 91. *Survey—Resolution—Remonstrance.* — Upon the adoption or passage of any resolution by the Council for the improvement of any street, avenue or alley, or for the construc-

tion of any bridge or viaduct, the Commissioner of Public Works shall cause a survey, diagram and estimate of the entire cost thereof to be made by the City Engineer; said diagram and estimate shall be filed in the office of the Commissioner of Public Works for the inspection of all persons interested therein. The Clerk of said Commissioner shall forthwith cause a notice of such filing to be published daily for five days in the official newspaper; such notice shall contain a copy of the said resolution passed by the Council, and must specify the street, highway, avenue, or alley, or part thereof proposed to be improved, and the kind of improvement proposed to be made, together with the estimated cost and expense thereof, and also a general description, sufficient for identification, of the property to be charged with the expense of making such improvement, and that if sufficient remonstrance be not made before the expiration of fifteen days after the date of the last publication, said improvement will be made at the expense of the owners of the lots and parcels of land described in said notice, as hereinafter provided; but if within fifteen days after the final publication of said notice the persons owning one-half or more of the lots or parcels of land to be taxed for said improvement shall file with the Clerk of the Commissioner of Public Works a remonstrance against said improvement, grade or alteration, the same shall not be made at the expense of the lots so described, unless the Council, by a vote of four members thereof, order said improvement made notwithstanding said remonstrance.

SEC. 92. *Consent to Improvement, When—Cost Limit.*—If no remonstrance be made and filed as provided in the last preceding section, then the owners of the lots and parcels of land described in said notice shall be deemed to have consented to such improvements; or if such remonstrance has been made and filed, and the Council has ordered such improvements to be made or work to be done, the expense thereof shall be charged to the property described in said notice in the manner as hereinafter provided, and the Commissioner of Public Works shall, at his earliest convenience, and within six months thereafter, establish the proposed grade or make the proposed improvement; *provided*, that no improvement shall be made when the estimated cost thereof shall exceed fifty per centum of the assessed value of the property to be assessed.

SEC. 93. *Cost and Expense of —How Assessed.*—The cost and expense of making any improvement shall be assessed upon the adjoining, contiguous, or proximate lots or parcels of land

benefited thereby, or upon any other property benefited thereby, in the following manner:

The Commissioner of Public Works shall examine all the property embraced in said assessment district and ascertain and determine what benefits will result to each and every lot and parcel of land; and after such examination and determination shall make out an assessment roll, charging the lots, blocks and parcels of land in said assessment district which have been benefited by said improvement to the extent of their proportionate part of such cost and expense and in an equitable manner in proportion to the special benefits resulting to each lot and parcel; and in no case shall the amount so charged against any lot or parcel be in excess of the benefits resulting thereto. And in making said assessment, when said Commissioner of Public Works finds and determines that an assessment by the front foot will result in charging said lots and parcels of land equitably and fairly in proportion to the benefits resulting to each respectively, he may apportion such cost and expense in accordance with the number of lineal feet of said real estate or lots of land fronting on said improvement as aforesaid. The amount apportioned to be paid on each lineal foot fronting on said improvement shall be paid by the adjoining, contiguous or proximate property, as follows:

Lots abutting endwise upon any street to be improved shall be assessed the full amount as determined by their foot frontage; any lot or parcel of land lying directly and lengthwise along the line of improvement at any street corner or intersection shall be assessed one-half of the amount as determined by its frontage, and the remaining one-half assessed upon the lots to the center of the block; if the land be unplatted and belong to the same person or persons, then the first twenty-five feet lying directly and lengthwise along the line of improvement shall be assessed one-half the amount as determined by its frontage, and the remaining one-half to the depth of one hundred and fifty feet from the proposed improvement; *provided, however*, that if the parcel of land fronting along said proposed improvement and belonging to any one person or persons shall be less than twenty-five feet, the said strip shall bear one-half of the expense of said improvement as determined by its frontage, and the remaining one-half assessed upon the balance of said property to the depth of one hundred and fifty feet; and *provided further*, that any parcel of land in V or triangular shape, the angle of which is adjoining, contiguous or proximate to the line of improvement, shall be considered as a lot having twenty-five feet front on the

improvement. And *provided*, that the several amounts charged against said lots respectively shall in no case be in excess of the benefits resulting to the same from such improvement. And whenever the manner of making such assessment by the front foot as herein specified shall not result in a fair and equitable division and apportionment of such costs and expenses upon the benefited property, in proportion to the special benefits resulting to each lot or parcel of land, and in all cases where the improvement shall consist of the construction of a bridge or viaduct as a separate improvement, then the said Commissioner of Public Works shall not make said assessment in that manner, but shall adopt such a plan or manner of dividing and apportioning the said costs and expenses and charging the same upon the several lots and parcels of land in the assessment district benefited by said improvement, as will be fair and equitable, and will make the charges against each lot and parcel of land respectively proportionate to the benefits resulting to each and so that in no case shall the charge against any lot or parcel of land be in excess of the benefits resulting thereto.

SEC. 94. *Assessment Roll—Contents.*—The Commissioner of Public Works shall make out and certify to the Council, an assessment roll which shall show and exhibit in separate columns, first, the name of the owner of each separate lot, piece, parcel or subdivision of land separately assessed, if known to him; if the name of the owner be unknown, the word “unknown” shall be written opposite the number of such subdivision of land; second, a brief description, by lot and block, or otherwise, of each subdivision of land; third, the assessment number of each subdivision of land separately assessed; fourth, the amount assessed separately to each of such subdivisions; fifth, a diagram showing the street, highway or alley proposed to be improved, and the lots or parcels of land to be assessed for such improvement; such diagram shall be marked with the numbers corresponding with the assessment number of each subdivision of land.

SEC. 95. *Filing Assessment Roll—Notice of.*—Upon receiving said assessment roll, the City Clerk shall forthwith give notice by publication for at least five days in the official newspaper, that the assessment roll is on file in his office, the date of filing the same, and that the same is open for public inspection, and said notice shall state a time within which the Council will meet to hear appeals of parties aggrieved by such assessment.

SEC. 96. *Appeal—Time—Manner.*—The owner of land in said assessment district, whether named or not in the assessment roll, may, within ten days after the first publication of the notice

provided for in the last preceding section, appeal to the Council from said assessment or assessment roll; said appeal shall be in writing, briefly stating the objections to the said assessment or assessment roll, and be filed with the City Clerk.

SEC. 97. *Hearing—Judgment Final, Except.*—At the time appointed for hearing appeals from said assessment, the Council shall hear and decide upon all objections which shall have been filed by any party interested to the regularity of the proceeding in making said improvement or in levying said assessment, or to the correctness of the amount of said assessment, or of the amount levied upon any particular lot or parcel of land; and if the proceedings are found by them to have been regular, they shall correct any errors which may be found in the assessment, and shall pass an order approving and confirming said proceedings; and said assessment as so corrected by them, and their decision and order shall be a final determination of the regularity, validity and correctness of said assessment, and of the amount thereof levied upon each lot or parcel of land, and shall bar all persons appearing and objecting or failing to appear from any further recourse in law, except by an appeal therefrom to the Superior Court in the manner prescribed by law.

SEC. 98. *Payment of Assessment, Time, Interest.*—The Council must provide in said order approving and confirming such assessments within what time the same may be paid to the Treasurer; and all such assessments not paid to the Treasurer within such time shall thereafter draw interest at the rate of ten per cent. per annum until paid.

SEC. 99. *Bids—Contracts in Writing.*—Before entering into any contract for any improvement, the Commissioner of Public Works shall invite sealed bids for such improvement as provided by this Charter, and such contract shall be made in writing.

SEC. 100. *Lien of Assessment.*—All such assessments shall be liens upon the property assessed, and all such liens shall relate back to and take effect as of the time of the first publication of the notice of the proposed improvement provided for in Section 91 hereof.

SEC. 101. *Treasurer Collect.*—The Treasurer shall be collector of all such assessments for improvements, both before and after delinquency.

SEC. 102. *Demand for Payment Unnecessary.*—No demand shall be necessary for any such assessment, but it shall be the duty of every person whose property is assessed for improve-

ments as herein provided, to pay all such assessments levied upon such property before the same become delinquent.

SEC. 103. *Warrant for Collection—Notice of Roll.*—The City Clerk shall, within five days after the confirmation of any assessment for improvements made by the Council, certify and annex to the assessment roll a copy of the order of confirmation, and issue and annex to said roll a warrant directing the City Treasurer to receive and collect the assessments therein named, and deliver the same to the Treasurer, and shall also certify the amount of such roll to the Controller. The Treasurer shall forthwith give notice by three weekly insertions in the official newspaper of the City, that such assessment roll is in his hands, that the assessments are payable, and the date at which interest accrues if they remain unpaid.

SEC. 104. *Warrant to Sell—by Controller—Sale.*—Within five days from the expiration of the time limited for the payment of such assessments, the Treasurer must return the improvement assessment roll to the Controller, designating thereon the assessments paid and those unpaid. The Controller shall, upon receipt of said roll, credit the Treasurer with the amount of assessments collected thereon and deliver said roll to the City Clerk, who shall thereupon issue and annex thereto a warrant directing the City Treasurer to sell all the lots and parcels of land described in said roll, and upon which assessments are levied, whether in the name of a designated owner or in the name of an unknown owner, to satisfy all delinquent and unpaid assessments upon said roll, with interest, penalty and cost. On the day of the commencement of the sale of said real property in pursuance of such warrant, a penalty of ten per cent. on the principal amount of every unpaid assessment on said improvement assessment roll shall accrue to such assessment in addition to the interest thereon, and must then and thereafter be collected therewith.

SEC. 105. *Warrant as Execution—Sale—Notice of.*—Such warrant shall, for the purpose of making sale of said real property on which assessments are delinquent and unpaid, be deemed and taken as an execution against said real property for the amount of said assessments with interest, penalty and costs, and the Treasurer shall, within sixty days from the receipt thereof by him, commence the sale of said real property, and continue such sale from day to day thereafter, until all the lots and parcels of land described in said assessment roll on which any such assessment is delinquent and unpaid, are sold. Such sales shall take place at the front door of the building in which the Council

holds its sessions. The Treasurer shall give notice of such sales by publishing a notice thereof once a week, for three consecutive weeks in the official newspaper of the City. Such notice shall contain a list of all lots and parcels of land upon which such assessments are delinquent, with the amount of the assessment, interest, penalty and costs to date of sale, including costs of advertising due upon each of such lots or parcels of land, together with the names of the owners thereof, or the words "unknown owner" as the same may appear on said improvement assessment roll, and shall specify the time and place of sale, and that the several lots or parcels of land therein described, will be sold to satisfy the assessment, interest, penalty and costs due upon each.

SEC. 106. *Time of Sale—Sales to City.*—All of such sales shall be made between the hours of ten o'clock A. M. and three o'clock P. M. Each lot or parcel of land shall be sold separately and in the order in which the same appears on the improvement assessment roll, commencing at the head thereof. If there be no bidder for any lot or parcel of land of a sum sufficient to pay the delinquent assessment thereon, with interest, penalty and costs, the Treasurer shall strike the same off to the City for the whole amount he is required to collect by such sale.

SEC. 107. *Highest Bidder—Disposition of Surplus.*—All lots and parcels of land sold for delinquent improvement assessments, shall be sold to the highest bidder; and whenever any such lot is sold for more than the sum sufficient to satisfy the delinquent assessment, with interest, penalty and costs, the surplus shall be kept by the Treasurer in a separate fund, and thereafter the owner or his legal representatives shall, on application to the Council, be entitled to a warrant therefor.

SEC. 108. *Resale.*—If any bidder to whom any lot or parcel of land is stricken off does not pay the assessment, interest, penalty and costs before ten o'clock A. M. of the day following the day of such sale, such lot or parcel of land must then be resold, or, if the assessment sale is closed, be deemed to have been sold to the City, and a certificate of purchase shall be issued to the City therefor.

SEC. 109. *Custodian of Certificates—Sale of.*—The Controller shall be the custodian of all certificates of purchase for lots or parcels of land sold to the City; and shall at any time within three years from the date of any such certificate, and before the redemption of the lot or parcel of land therein described, sell and transfer any such certificate to any person who will pay to him the amount for which the lot or parcel of land therein described was stricken off to the City, with the inter-

est subsequently accrued thereon, and the Treasurer may, if so authorized by the Council, sell and transfer any such certificate in like manner after the expiration of said three years from the date of the certificate.

SEC. 110. *Return of Treasurer.*—Within ten days after the completion of the sale of all the lots and parcels of land described in such improvement assessment, and authorized to be sold as aforesaid, the Treasurer must make return to the Controller of said assessment roll, with a statement of his doings thereon, showing all lots and parcels of land sold by him, to whom sold, and the sum paid therefor.

SEC. 111. *Purchaser's Lien—Interest.*—The purchaser at improvement assessment sales acquires a lien on the lot or parcel of land sold for the amount paid by him at such sale, as well as for all delinquent taxes and improvement assessments and all costs and charges thereon, whether levied previously or subsequently to such sale subsequently paid by him on the lot or parcel of land, and shall be entitled to interest thereon at the rate of twenty per cent. per annum from the date of such payment.

SEC. 112. *Redemption—Certificate—Deed.*—Every lot and parcel of land sold for an improvement assessment shall be subject to redemption by the former owner, or his grantee, mortgagee, or heir, within three years from the date of the certificate of purchase, on payment to the Treasurer for the purchaser of the amount the same was sold for, with twenty per cent. interest per annum, together with all taxes and improvement assessments, and costs and charges thereon, as per statement made by the Controller, paid by the purchaser on such lot or parcel of land since such sale, with like interest thereon. And on such redemption being made, the Treasurer shall give to the redemptioner a certificate of redemption therefor, and pay over the amount received from such redemptioner to the purchaser or his assigns, on an order from the Controller.

Should no redemption be made within the period of three years, the Treasurer shall on demand by the purchaser or his assigns, and the surrender of the certificate, execute to him a deed for the lot or parcel of land therein described; *provided*, that no such deed shall be executed until the holder of said certificate shall have notified the owner of said lots or parcels of land that he holds said certificate and that he will demand a deed therefor; and if, notwithstanding said notice, no redemption be made within ninety days from the service of said notice, said holder shall be entitled to said deed. Said notice may be

given by personal service upon said persons, or by publication in a weekly newspaper published in said City for the full three weeks. Such notice and return thereto with the affidavit of the person claiming said deed, stating that said service was made, shall be filed with the Treasurer.

Such deed shall be executed only for the lot or parcel of land named in the certificate, and after payment of all subsequent taxes and improvement assessments thereon. The deed shall be executed in the name of the City of Tacoma, shall recite in substance the matters contained in the certificate, the notice to owner and that no redemption has been made of the property within the time allowed by law. Such deed shall be signed and acknowledged by the Treasurer as such. The deed shall be prima facie evidence that the property was assessed as required by law, that the improvement assessment was not paid, that the property was sold as required by law, that it was not redeemed, that notice had been given and that the person executing the deed was the proper officer; and the deed shall be conclusive evidence of the regularity of all other proceedings from the assessment inclusive up to the execution of the deed.

SEC. 113. *Separate Fund.*—All moneys received or collected by the Treasurer upon assessments for improvements of streets, highways or alleys, shall be kept as a separate fund, and in nowise used for any other purpose whatever, except for the redemption of warrants drawn against such fund.

SEC. 114. *Payment of Assessment.*—Whenever before sale of any lot or parcel of land the amount of any assessment for improvements thereon, with all interest and costs accrued thereon, shall be paid to the Treasurer, he shall thereupon mark the same paid, with the date of payment thereof on the assessment roll: and whenever after sale of any lot or parcel of land for any assessment the same shall be "redeemed," he shall thereupon enter the same redeemed with the date of such redemption on such record. Such entries shall be made on the margin of the record opposite the description of such lot or parcel of land.

SEC. 115. *Day's Work or Contract—Cost Limit.*—All public work authorized by the Council to be done under the supervision of the Commissioner of Public Works shall be done by day's work or by contract, at the discretion of the Council, *provided*, that if within the time for filing a remonstrance a majority of the resident owners within the assessment district file a petition designating the manner of making the improvement, whether by day's work or contract, then the improve-

ment must be done as requested in said petition; and *provided, further*, that in no case shall the cost of any improvement authorized by the Council to be done exceed the estimated cost of the City Engineer. But before awarding any contract authorized by this Article, the Commissioner of Public Works shall cause notice, inviting sealed proposals therefor, to be posted conspicuously in his office and published for not less than five days.

SEC. 116. *Sealed Proposals*.—Said advertisements and notice shall invite sealed proposals to be delivered at a certain day and hour at the office of the Commissioner of Public Works, for furnishing the materials, and for the work to be done, the materials for the proposed work, or for doing said work; or both, as may be deemed best by him, and shall contain a general description of the work to be done, the materials to be furnished, the time within which the work is to be commenced and when to be completed, and the amount of bond to be given for the faithful performance of the contract and shall refer to plans and specifications on file in the office of the Commissioner of Public Works for full details and description of said work and materials.

SEC. 117. *Proposals—Form, Affidavit—Bids*.—All proposals shall be made upon printed forms prepared by the Commissioner of Public Works and furnished gratuitously upon application, with a form for the affidavit hereinafter provided for printed thereon. Each bid shall have thereon the affidavit of the bidder that his bid is genuine and not sham or collusive, or made in the interests or on behalf of any person not therein named, and that the bidder has not directly or indirectly induced or solicited any bidder to put in a sham bid, or any other person or corporation to refrain from bidding, and that the bidder has not in any manner sought, by collusion, to secure to himself an advantage over other bidders. Any bid made without such affidavit, or in violation thereof, shall be absolutely void, and also any contract let thereunder.

If at any time discovery shall be made that a contract has been let to a bidder who has violated or evaded this oath, the contract shall be cancelled and no recovery shall be had thereon, and the Commissioner of Public Works shall at once proceed as before to award a new contract. All proposals offered shall be accompanied by a check certified by a responsible bank, payable to the order of the Clerk of the Commissioner of Public Works, for an amount not less than five per cent. of the ag-

gregate of the proposal, and no proposal shall be considered unless accompanied by such check.

No person, corporation or firm shall be allowed to make, file or be interested in more than one bid for the same work. If, on the opening of said bids, more than one bid appear in which the same person, corporation or firm is interested, all such bids shall be rejected.

SEC. 118. *Opening Bids—Award—Checks.*—On the day and at the hour specified in said notice inviting sealed proposals, all bids shall be delivered to the Commissioner by the bidder or his agent within the two hours named in the advertisement. No bid not so delivered to the Commissioner of Public Works shall be considered. Each bid as it shall be received shall be numbered and marked "filed" by him, and authenticated by his signature. At the expiration of the two hours stated in the advertisement, within which the bids will be received, the Commissioner of Public Works shall in open session open, examine, and publicly declare the same, and an abstract of each bid shall be recorded in the minutes of the Commissioner of Public Works by the Clerk.

The Commissioner of Public Works shall compare the bids with the record made by the Clerk, and shall thereupon at said time, or at such other time, not exceeding ten days thereafter, award the contract to the lowest bidder, except as otherwise herein provided. Notice of such award shall forthwith be posted for five days by the Clerk of the Commissioner of Public Works in some conspicuous place in the office of the Commissioner. He may reject any and all bids, and must reject the bid of any party who has been delinquent or unfaithful in any former contracts with the City, and all bids other than the lowest regular bid, and on accepting said lowest bid shall thereupon return to the proper parties the checks, corresponding to the bids so rejected.

If all bids are rejected, the Commissioner shall return all the checks to the proper parties and again invite sealed proposals, as in the first instance. The check accompanying the accepted bid shall be held by the Clerk of the Commissioner of Public Works until the contract for doing said work, as hereinafter provided, has been entered into, whereupon said certified check shall be returned to said bidder. If said bidder fails or refuses to enter into the contract for said work, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be forfeited to the City and shall be collected and paid into the general fund. Neither the Commissioner

of Public Works nor the Council has the power to relieve from or remit such forfeiture.

SEC. 119. *Collusive Bids.*—If at any time it shall be found that the person to whom a contract has been awarded has, in presenting bid or bids, colluded with any party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and no recovery shall be had thereon, and the Commissioner of Public Works shall advertise for proposals for a new contract.

SEC. 120. *Contracts—City Attorney Draw—Triplicates.*—All contracts shall be drawn under the supervision of the City Attorney, and shall have attached thereto detailed specifications of the work to be done, which shall be referred to and made part of the contract; the manner in which it shall be executed, and the quality of the supplies and the material to be used. Every contract let by the Commissioner of Public Works shall be signed by the Mayor and other contracting party, and countersigned by the Controller. All contracts shall be executed in triplicate, one of which with the specifications and drawings, if any, of the work to be done, and materials to be furnished, shall be filed with the Commissioner of Public Works; one, with said specifications and drawings, shall be filed with the Controller, and the third, with said specifications and drawings, shall be delivered to the contractor.

SEC. 121. *Bonds—Amount—Sureties—Justification.*—At the same time with the execution of said contract, the contractor shall execute a bond to the State of Washington, with two or more sureties, or with a surety company as surety, conditioned that such contractor shall faithfully perform all of the provisions of said contract, and holding said City of Tacoma harmless from all loss or damage caused to any person or property by reason of any carelessness or negligence in the making of said improvement, and pay all laborers, mechanics, sub-contractors and material men, and all persons who shall supply such contractor or sub-contractor with provisions and supplies for the carrying on of such work, all just debts, dues and demands incurred in the performance of such work; which bond shall be approved by the Controller and filed in his office.

Such bond shall be in an amount equal to the full contract price agreed to be paid for such work or improvement, except that the Council shall have power by general Ordinance to fix and determine the amount of such bond, *provided*, that the same shall, in no event, be fixed for a less amount than twenty-five per cent. of the contract price of such improvement, and the

Council may by such Ordinance provide that said bond shall be payable to the City of Tacoma and not to the State of Washington.

In case of sureties on such bond, other than a surety company, the justification of such sureties shall be upon a form to be printed upon said bond, which justification shall be the same as bail upon arrest, but when the amount specified in the bond exceeds Three Thousand Dollars and there are more than two sureties thereon, they may state in their affidavit that they are severally worth amounts less than that expressed in the bond, if the whole amount be equal to two sufficient sureties.

SEC. 122. *Failure to Perform Contract on Time.*—The contract for work shall specify the time within which the work shall be commenced and completed as was specified in the notice inviting proposals therefor. In case of failure on the part of the contractor to complete his contract within the time fixed, or within such extension of time as may have been granted thereon by the Council prior to the time fixed for completion of the work in the contract, his contract shall be void and the Council shall not pay or allow him any compensation for work done by him under said contract.

SEC. 123. *Unfinished Contracts.*—If the contractor does not complete his contract within the time limited therein, said Commissioner of Public Works may re-let the unfinished portion of said work, after pursuing the formalities hereinbefore prescribed for the letting of the whole.

SEC. 124. *Commissioner Has Supervision.*—The work in this Article provided for must be done under the direction and to the satisfaction of said Commissioner of Public Works, and all materials and supplies furnished must be in accordance with the specifications and be to his satisfaction. When any contract shall have been completed and accepted by him, he shall so declare, and thereupon he shall deliver to the contractor a certificate to that effect.

SEC. 125. *Prohibition on Commissioner and Employees.*—Neither the Commissioner of Public Works, nor any person employed in his Department, nor any other Officer or Employee of the City, shall be interested directly or indirectly in any contract for work, labor, supplies or materials entered into under the provisions of this Article, nor shall he or any other officer or employee of the City be allowed to receive any gratuity or advantage from any contractor, laborer or person furnishing labor or material for the same. Any contract made in violation of any of the provisions of this Section shall be void, and the

receipt of such gratuity shall be cause for immediate removal from office or from employment of the person receiving it.

SEWERAGE AND DRAINAGE.

SEC. 126. *General System.*—The Commissioner of Public Works shall devise a general system of sewerage and drainage, to be approved by the Council, which shall embrace all matters relative to the thorough, systematic and effectual drainage of not only surface water and filth, but also of the ground on which the City is situated, to a sufficient depth to secure dryness in cellars and entire freedom from stagnant waters, and in such manner as best to promote the cleanliness and healthfulness of the City, and shall report to the Council in reference thereto, and shall, from time to time, make to the Council such recommendations upon the subject of sewerage and drainage as he may deem proper.

SEC. 127. *Control Construction.*—Said Commissioner of Public Works shall prescribe the location, form and material to be used in the construction and repair of all public sewers, man-holes, sinks, cesspools or other appurtenances belonging to the sewer system and of every private sewer emptying into a public sewer and determine the manner and place of connection.

SEC. 128. *Sewers—Plans, Diagram, Map.*—Before any public sewer shall be contracted for or built the City Engineer shall cause to be prepared the necessary plans for the work and a profile showing the grades of the street and sewer, and the depth of each sewer below the surface of the street, and a diagram showing the property benefited by such sewer, and the total frontage thereof; and when such sewer is completed he shall cause a map to be prepared, showing the size and location of man-holes, basins and branches of house connections, and other appurtenances.

SEC. 129. *Council Order Construction.*—The Council may, upon the recommendation of said Commissioner of Public Works, by Ordinance passed by the affirmative vote of four members of the Council, order the construction of any sewer or drain, or authorize the purchase of any personal property or the acquisition by purchase or condemnation of any real estate which may be necessary for the construction of any sewer or the making of any improvement provided for in this Charter.

SEC. 130. *Agreement as to Damages.*—Said Commissioner of Public Works may, with the like approval of the City Council, agree with the owners of any real estate upon which it is deemed desirable to construct any sewer or other improvement relative to sewerage or drainage, upon the amount of damage

to be paid to such owner for the purpose of such improvement, and for the perpetual use of said real estate for such purpose.

SEC. 131. *Lands on Bay.*—Said Commissioner of Public Works may, when authorized by Ordinance, construct such sewers, reservoirs and pumping works on lands and made-lands fronting the bay, as may be necessary to carry out the general system of sewerage for the City.

SEC. 132. *Condemnation of Private Property.*—When upon the recommendation of said Commissioner of Public Works, the Council shall determine upon any improvement for the purpose of sewerage or drainage which necessitates the acquisition or condemnation of private property, and said Commissioner is unable to agree with the owner thereof upon the amount of compensation or damages to be paid therefor, or when such owner is in any way incapable of making any agreement with reference thereto, and in all cases in which said Commissioner shall deem it most expedient, the City Council shall have the right to cause condemnation of such property in the manner for the opening of any new street.

SEC. 133. *Expense Proportioned.*—The cost of constructing any sewer shall be assessed by the Commissioner of Public Works upon the real estate benefited thereby pro rata, according to the frontage of said real estate upon the line of said sewer; and the manner of collection of the same shall be as provided for the collection of street improvement assessments; *provided*, that the construction of all trunk or main sewers and repair of all sewers shall be made at the expense of the City.

SEC. 134. *Sewerage Districts.*—The Commissioner of Public Works shall have authority whenever he shall deem necessary, to create sewerage districts, in order to distribute equitably the assessment and cost of sewers upon property peculiarly benefited thereby.

SEC. 135. *Sewerage Bond.*—The same bond shall be required of a contractor who has contracts with the City for the construction of any sewer under the provisions of this Article, as is required in Section 121 of this Charter.

ARTICLE IX.

DEPARTMENT OF LIGHT AND WATER.

SEC. 136. *Scope of Department.*—The Department of Light and Water shall embrace all property, rights and obligations of the City in respect to the light plant, water plant and electrical power plant, now owned or hereafter acquired, whether situated within or without the City limits.

SEC. 137. *Commissioner to Administer Department.*—The Commissioner of Light and Water is charged with the administration of said Department. Upon his appointment the Mayor shall commission such Officials, Assistants, Clerks and Skilled Employees as may be necessary, and he may secure the services of electrical engineers and hydraulic engineers, special counsel and other experts, subject to the approval of the Council, and for such compensation as the Council may fix.

SEC. 138. *Separate Sub-Departments—Duties.*—The Commissioner of Light and Water shall, so far as is practicable, administer the lights, power, light works and electrical power plants, as one separate sub-department or entity, and the water plant as another separate sub-department or entity. To that end all contracts, records and muniments of title pertaining to each of said sub-departments, shall be assembled and carefully preserved as separate records. Accounts shall be kept separately of assets and liabilities, receipts and disbursements, of each sub-department distinct from the other. The revenues shall be so applied that as far as possible each sub-department shall be self-sustaining.

The Commissioner shall also take care that the water supply of the City is preserved from impairment and pollution, and seasonably augmented so as to assure at all times a supply of potable water adequate for the growing needs of the City. To that end he shall cause comparative investigations to be made of all available reservoir sites and sources of water supply, and report thereon to the Council with his recommendations. He shall at all times see that the City's water rights are fully protected and kept alive.

He shall make all necessary investigations and recommendations to the end that the City's lighting plant may be maintained as a plant adequate to the needs of the City and its inhabitants.

He shall report each month to the Council a statement of the receipts and disbursements of the two sub-departments separately, and annually shall make a detailed report as to the condition of each sub-department, with his recommendations as to their needs. He shall perform such other duties from time to time in connection with the Department and make such other reports as the Council may by Ordinance require.

SEC. 139. *Commissioner Fix Rates—Council Impose Fines.*—The Commissioner shall, with the approval of the Council, expressed by Ordinance, fix rates and establish regulations for the use of light, power and water by consumers, and regulations

for the orderly administration of the Department. The Council shall by Ordinance impose fines and penalties for the violation of any of said regulations.

ARTICLE X.

DEPARTMENT OF FINANCE.

SEC. 140. *Commissioner Have Supervision — ex-Officio Treasurer.*—The Commissioner of Finance shall have the direct supervision of all of the revenues of the City, except as otherwise provided in this Charter. He shall be ex-Officio Treasurer of the City.

SEC. 141. *Bond as Treasurer.*—Before entering upon his duties as Treasurer, he shall execute to the City a bond, in an amount to be fixed by the Council, conditioned for the faithful discharge of his duties as Treasurer, which bond shall be approved and filed as required in this Charter.

SEC. 142. *Assistants, Clerks and Employees.*—Upon the appointment of the Commissioner of Finance, the Mayor shall commission such Assistants, Clerks and Employees for said Department as may from time to time be provided for by the Council by Ordinance. He may take from such Assistants, Clerks and Employees bonds with sureties to be approved by him; *provided*, that the bond of his Chief Assistant as Treasurer shall in no event be less in amount than that of the Treasurer. Such Assistants, Clerks and Employees shall receive such compensation as the Council shall by Ordinance prescribe.

SEC. 143. *Estimate of Expenses.*—The Commissioner of Finance shall report annually on or before the first day of April to the Council, an estimate of the expenses of the City, and likewise the revenue necessary to be raised for the current year.

SEC. 144. *Establish Systematic Accounting.*—Upon the recommendation of the Commissioner of Finance and the Controller, the Council shall provide by Ordinance a system of accounting for the City not inconsistent with the provisions of this Charter, which shall be as nearly as may be a uniform system as to all departments.

SEC. 145. *Revenue—How Controlled, Paid Out.*—All revenue accruing to or belonging to the City of Tacoma shall be under the control of the Council and shall be paid out when authorized by the Charter, or by Ordinance, by orders drawn by the Controller, on the Treasurer, signed by the Mayor and attested by the City Clerk. No warrant or order for the payment of money shall be drawn against any of the funds of the City of Tacoma until there shall be money sufficient to the

credit of such fund to pay the same, together with orders against said fund then outstanding; *provided*, that the City may, for the purpose of paying current running expenses of any fiscal year, provide by Ordinance that orders may be drawn in payment thereof as the same accrue, to an amount not exceeding eighty per centum of the tax levy for that year; and any person accepting an order upon any such fund shall be deemed to have waived all claim against the City of Tacoma for the payment thereof, and to have accepted the same as an assignment of that amount of the tax levy of that year, and said order shall be paid from the tax levy of that year as the same is collected, with six per cent. interest per annum and in the order in which the said order or warrant is drawn.

COMMISSIONER OF FINANCE AS TREASURER.

SEC. 146. *Duties as Treasurer.*—The Commissioner of Finance as Treasurer shall receive all moneys due and belonging to the City and keep an accurate and detailed account of the same in such manner as at all times to show the exact financial condition of the City. Not later than the 15th day of each month he shall report to the Council a complete and itemized statement of all moneys received and paid out by him during the preceding month. Such statement shall show what funds were credited with moneys so received and from what funds moneys were so paid, and the amounts thus credited and paid; and further, show the exact amount of money in each fund of the City on the last day of the preceding month. He shall also in such report show the amount of funds under his control at the time of making such report, and where the same are placed or deposited. He shall give to the Controller a daily statement of bank balances of City moneys, and of moneys on hand.

SEC. 147. *Bank Deposits, Bonds, Interests, Securities.*—The Treasurer shall not loan any of the funds of the City to any person or otherwise dispose of the same, except in accordance with law. He shall keep such funds and be responsible therefor; he may deposit moneys received by him, by virtue of his office, in one or more banks in the City of Tacoma, which banks shall have been established and doing business in said City for at least three years prior to such deposits;

Provided, however, that he shall not have on deposit more than \$250,000 in any one bank at any time, and in no case more than fifty per centum of such money in any one bank; and

Provided, further, that every such bank in which he deposits any of such moneys, shall be first required to execute to the

City a bond with some surety, guaranty, indemnity or insurance company, organized and empowered by law to give such bond and authorized by law to do business in the State of Washington, as surety, in a penal sum equal to the maximum amount deposited in any such bank, conditioned to save the City harmless from loss by reason of such deposit during all the time that such money or any part thereof shall so remain on deposit in such bank, and such bond shall be approved and filed in the same manner as the official bond of such Treasurer; and

Provided, further, that such city bank or banks designated as depository or depositories may, in lieu of the surety bond above referred to, deposit with the Treasurer good and sufficient municipal, school district, county or State bonds or warrants, United States bonds, first mortgage railroad bonds listed on the New York Stock Exchange, local improvement bonds or warrants, or public utility bonds or warrants issued by or under the authority of any municipality of the State for water, power or light plants or maintenance thereof, upon which principal or interest is not in default at the time of such deposit, the aggregate market value of which shall not be less than the amount required in said deposit, which securities shall be subject to the approval of the Mayor and Controller; and

Provided, further, that such bank or banks so designated as depositories shall be required to pay to the City interest on the daily balances of such deposits at the rate of not less than one and one-half per cent. per annum as long as the same or any part thereof remains so on deposit in any such bank, said interest payments to be payable monthly.

Nothing in this section shall be construed so as to relieve said Treasurer, or his official bondsmen, from any liability for any loss of such moneys.

SEC. 148. Tax Levy—How Credited—Other Duties.—Immediately after the annual tax levy, the Treasurer shall open and keep separate and distinct accounts with each special fund made necessary by law, and whenever any taxes shall be collected and paid into the treasury he shall credit each fund with its proportionate amount of such tax, and the same shall remain so credited and shall be paid out only in payment of orders drawn against said fund.

All funds raised by a vote of the people or by special taxation, or any other manner for a special purpose, shall be used for that purpose, and none other. No fund shall be diverted from the purpose for which it was originally assessed or collected or voted by the people without the proposition therefor

is submitted to a vote of the people and authorized by at least a majority vote at either a special or general election. The Treasurer shall keep such accounts and make such other reports and perform such other duties incident to his office as may be prescribed by Ordinance.

SEC. 149. *Eligible for Only One Term as Treasurer.*—The same Councilman shall not be eligible to the office of Commissioner of Finance for a longer period at any one time than four consecutive years, nor eligible to re-appointment until after the expiration of one year after having served for such period of four years.

SINKING FUND BOARD.

SEC. 150. *Members—Who.*—The Mayor, Controller and the Commissioner of Finance, shall constitute and be denominated a Sinking Fund Board.

SEC. 151. *Quorum.*—Any two of the officers named, of whom the Controller shall be one, shall be and are hereby authorized and required to discharge the duties and trust hereby vested in them, but shall not receive any additional compensation or salary for such services.

SEC. 152. *Duties.*—The said Board shall negotiate the sale of all bonds of the City, in accordance with the provisions of the ordinance under which such bonds may issue, and shall, from time to time, invest the moneys which shall constitute the Sinking Fund for the redemption of the City debt, or any surplus of interest to the credit of the interest fund, in the purchase of bonds issued by the City at the market price, not exceeding par value thereof. If at any time such investments cannot be made, then the said Board may invest such bonds in interest-bearing securities of the Tacoma School District, now known as District No. 10, the County of Pierce, the State of Washington, or the United States.

Provided, The said Board may purchase bonds of the City at a premium whenever the interest accruing on said bonds, from time of purchase to maturity, will be greater than the premium on said bonds and interest on the amount to be used to make the proposed purchase.

Said interest to be computed at the average rate of interest earned by money in the Sinking Fund for the previous year, excepting the money that may be invested in bonds of the City, and for the time that will elapse between the date of proposed purchase and maturity of the bonds.

No money belonging to the Sinking Fund or Interest Fund shall be loaned to any person or corporation.

SEC. 153. *Procedure Before Investment.*—Whenever any of the money constituting the Sinking Fund for the redemption of the City debt shall be required for investment as above mentioned, or for the redemption of any City bonds at their maturity, the said Sinking Fund Board shall report the amount of money so required to the Controller, who shall certify the same to the Council, and thereupon the Council shall authorize an order to be drawn on the Treasurer, payable to the Sinking Fund Board for such purpose.

SEC. 154. *Proceedings of Board—Journal.*—It shall be the duty of the Controller to keep a correct journal of the proceedings of the said Board, to be verified by any two of them, himself being one, and once in each year, or oftener if required, to render to the Council a full and detailed report of the proceedings of the said Board. All acts of said Board shall be based on resolution duly entered in said journal.

SEC. 155. *Vacancies—How Filled.*—In case of a vacancy in office, or inability of any of said Board to attend to the duties hereby imposed, it shall be the duty of the Council to designate by resolution one or more of their number to supply the place of such member or members of the Board for the time being.

SEC. 156. *Bonds—How Kept.*—All bonds and securities purchased by said Board shall be held for safe keeping by the Treasurer. Whenever City bonds are paid, a record thereof shall be made in the journal of the Board, and the Bonds shall be cancelled and burned in the office of the Controller, under the direction and supervision of said Board.

ARTICLE XI.

CONTROLLER.

SEC. 157. *Duties.*—The Controller shall be the chief accounting and auditing officer of the City, and shall have charge of and shall exercise a general supervision over the fiscal affairs of the City, the collection and return into the Treasury, and disbursement of all revenue and moneys of the City; of all property, assets and claims, and the sale or other disposition thereof, except as otherwise provided in this Charter; and by and with the advice and consent of the Mayor shall see that all necessary official and legal proceedings are had for the protection of the City's interests in all such property, assets and claims; that proper rules and regulations are prescribed and observed in relation to all accounts, settlements and reports connected with the fiscal affairs of the City; that no liability

is incurred or expenditure made from the Treasury without due authority of law, and that appropriations are not overdrawn.

SEC. 158. *Oath and Bond—Deputies and Assistants.*—The Controller, within ten days from the time of notice of his election, and before entering upon the duties of his office, shall take and subscribe the oath of office and give to the City of Tacoma a bond in the sum of twenty-five thousand dollars, conditioned for the faithful discharge of the duties of his office, which said bond shall be approved and filed as required in this Charter.

He shall have such deputies and clerical assistants as may be provided by Ordinance, who shall be commissioned by the Mayor on appointment by the Controller.

SEC. 159. *Have Access to All Books.*—The Controller shall have access to the books and other records of all officers and departments of the City Government whenever he so desires, and may make transcript thereof. He shall see that the accounts of the City are kept in a plain, methodical manner.

SEC. 160. *Audit Claims.*—The Controller shall audit and adjust all claims and demands against the City before they are allowed by the Council, and draw all warrants or orders on the Treasurer, before they are delivered by the City Clerk.

SEC. 161. *Designate Funds.*—The Controller shall, in auditing and adjusting claims and accounts against the City, designate and specify upon each claim so audited and adjusted the particular fund out of which the same shall be paid, and no claim or account shall be audited or adjusted or contract countersigned by him if the amount thereof, together with the existing indebtedness, exceeds the authorized indebtedness of the City.

SEC. 162. *Keep Records.*—The Controller shall keep a record of all his acts and doings, keep regular books of accounts, which shall at all times show the precise financial condition of the City: the amount of bonds, orders, warrants, or other evidences of indebtedness issued by the Council, stating to whom and for what purpose issued, the amount of all bonds, orders, warrants, etc., which have been redeemed, and the amount of each outstanding; keep accounts with all the receiving and disbursing officers of the City, showing the amount which they have received from all sources and the amount which they have disbursed under the direction of the Council.

SEC. 163. *Keep List of Warrants.*—The Controller shall keep a list of each and every warrant drawn by him; the list shall show the number of the warrant, the fund against which

it is drawn, the person in whose favor it is drawn and the date thereof; neither the City of Tacoma nor any of its officers shall recognize any assignment of any warrant drawn against any of its funds without the assignment has been noted and registered in the office of the Controller, and it shall be the duty of the Controller to add to the list required to be kept by him, a statement showing the assignment, if any, of each warrant drawn.

SEC. 164. *Countersign Contracts.*—The Controller shall countersign all contracts made in behalf of the City and certificates of work by the Commissioner of any Department, or other City officer or person authorized by the Council to make such certificates; keep a book in which he shall enter all contracts, with an index thereto, which shall be open to public inspection.

SEC. 165. *Annual Report.*—The Controller shall annually submit to the Council, at its first stated meeting in March, an itemized report of the financial condition and requirements of the City, and make such report of the finances of the City from time to time as the Mayor or Council may require.

SEC. 166. *Monthly Report.*—The Controller shall, on or before the 15th day of each and every month, send to the Council a complete statement of all the receipts and expenditures of the City in all departments for the preceding month, and said statement shall show all and every purchase made by the City or bill or account that accrued against the City for that month; and every Officer, Employee or Agent of the City who is or may be empowered by the Charter or by Ordinance or resolution of the Council to make or incur any account, debt or claim against the City, shall file a full report or copy of said account, debt or claim with the Controller on or before the 10th of the month next succeeding that in which said account, debt or claim was made or incurred.

SEC. 167. *General Duties.*—The Controller shall be entitled to be heard before the Council on any question pertaining to his department, but he shall have no vote. He shall perform such duties as may be provided by this Charter or any Ordinance enacted thereunder.

SEC. 168. *Shall Have Notice of Revenue Ordinances and Appointments.*—It shall be the duty of the City Clerk upon the passage of any Ordinance making an appropriation or relating to the revenue or fiscal affairs of the City, to give notice thereof in writing to the Controller.

It shall be the duty of the Mayor to file with the Con-

troller notice of the commissioning of all City Officers, Clerks, Assistants and Employees commissioned by the Mayor, as soon as such commissions are issued.

ARTICLE XII.

TAXES.

SEC. 169. *Assessment, Levy and Collection as Provided by General Law.*—The assessment, levy and collection of general taxes for the City of Tacoma, shall be made in the manner now provided or as may be hereafter provided by general law.

SEC. 170. *Board of Equalization.*—The Council shall annually select a committee of three of its members to act with the Board of County Commissioners as a Board of Equalization, and said Board so constituted shall have the powers and perform the duties concerning the equalization of assessments in the City of Tacoma that are given to the County Boards of Equalization by the general revenue laws of the State of Washington. Such committee shall receive no additional pay or compensation for the time they are actually engaged as members of the Board of Equalization, their salaries as Councilmen being deemed to include such compensation.

SEC. 171. *Appropriation for County.*—The City of Tacoma shall pay the County of Pierce One Thousand Dollars per annum for Clerk hire, and it shall be the duty of the Council to make the necessary appropriation and provision therefor.

SEC. 172. *Library Levy.*—The City of Tacoma shall provide in the Ordinance levying the taxes for each year, for the levy and collection of an additional tax of not less than one sixth of one mill for the maintenance of the Public Library.

SEC. 173. *Fiscal Year.*—The fiscal year of the City of Tacoma shall begin on the first day of January and end on the thirty-first day of December, of each year.

SEC. 174. *Assessments Against City Property.*—The Council shall, in the Ordinance levying the taxes for each year, include an amount sufficient to pay all unpaid assessments, with interest, penalties and charges thereon levied against all lands owned by the City. The amount of said levy shall be estimated and determined as provided by general law. The proceeds of such levy shall constitute a separate fund to be known as "City Property Assessment Redemption Fund," and to be inviolably applied in payment of such unpaid assessments, in the manner and in the order required by law.

ARTICLE XIII.

CITY ATTORNEY.

SEC. 175. *Duties.*—The City Attorney shall bring and prosecute all actions at law and suits in equity, and all special proceedings which may be directed by the Mayor or Council, and shall defend all actions or proceedings to which the City, or any Officer, Board or Department thereof, is a party, and all other actions and proceedings in which the rights and interests of the City are involved. He shall be the legal adviser of the Mayor, Council, Commissioners and all appointive Officers in relation to their duties. He shall give legal advice in writing to the Council and Controller and to all Boards and Departments when requested by them in writing. He shall perform such other duties pertaining to his office as the Council may by Ordinance prescribe.

SEC. 176. *Shall Keep Records.*—The City Attorney shall keep bound books of record and registry, and all briefs used in causes wherein he appears, and shall keep a register of all actions, suits and proceedings in his charge in which the City is interested. He shall keep a copy of all official written communications by him to the Council, Commissioner, Board or Officer of the City, and of all opinions given by him. Said records shall be the property of the City, and shall be delivered by him to his successor in office.

SEC. 177. *Assistants.*—He shall have such Assistants as the Council shall by Ordinance provide. Such Assistants shall be commissioned by the Mayor upon appointment by the City Attorney.

SEC. 178. *Special Counsel.*—The Council may also, at any time, employ other counsel, to take charge of any litigation or to assist the City Attorney, whose compensation shall be fixed by the Council at the time of the employment.

ARTICLE XIV.

CIVIL SERVICE.

SEC. 179. *Board—Appointment of.*—There is hereby established a Civil Service Board, consisting of three members who shall serve without compensation.

The Council first elected after the adoption of this Charter shall, as soon as practicable thereafter, appoint one member of said Board to serve for one year, another member to serve for two years, and a third member to serve for three years. Annually thereafter, one member shall be appointed by the Council to take the place of the member whose term shall next

expire, so that one member shall be appointed every year to serve for a period of three years. If a vacancy shall occur in the Board, it shall be filled by appointment by the Council for the unexpired term.

SEC. 180. *Removal—Equipment—Clerk.*—The Council may remove any of said Board during their term of office for cause, four Councilmen voting in favor of such removal, and shall fill the vacancy so caused for the unexpired term. The Council shall provide suitable accommodations and equipment to enable the Board to properly attend to its business. Upon appointment by the Board, the Mayor shall commission a Clerk for said Board, who shall keep a record of the meetings and work of said Board and perform such other services as the Board and Council may require. The Council shall fix the compensation of such Clerk.

SEC. 181. *Board Make Rules, Classifications, Etc.*—The Board shall, with the approval of the Council, make such rules and regulations for the proper conduct of its business as it shall find necessary or expedient.

The Board shall, among other things, provide for the classification of all employments in the Department of Public Affairs, Health and Sanitation, in the Department of Public Safety, in the Department of Public Works, Streets, Improvements and Property, in the Department of Light and Water, in the Department of Finance, and in the office of the Controller; for open, competitive and free examination as to fitness; for an eligible list from which vacancies shall be filled; for a period of probation before employment is made permanent; and for promotion on the basis of merit, experience and record.

The Council, whenever requested by the Board, may by Ordinance confer upon the Board such other or further rights, duties and privileges as may be necessary adequately to enforce and carry out the principles of Civil Service.

SEC. 182. *Certification of Names.*—Should a vacancy or vacancies occur in any position subject to the recommendation of the Board, said Board shall as soon as possible certify, to the Commissioner of the Department in which such vacancy or vacancies exist, three times the number of persons necessary to fill said vacancy or vacancies; *provided*, that said Board shall always certify the persons having the highest standing on the eligible list for the positions they seek to fill; and *provided*, *further*, that a less number may be certified when there is not the required number on the eligible list. All persons not appointed shall be restored to their relative positions on the eligi-

ble list. All persons who have been on the eligible list for two years without appointment shall be removed therefrom.

SEC. 183. *To Whom Apply.*—The provisions of this Article shall apply to all appointive Officers and Employees of the City, except those especially named in Section 10, Article II., Class A and Class B, of this Charter, and except Commissioners of any kind, laborers whose occupation requires no special skill or fitness, election officials, Mayor's Secretary and Assistant City Attorneys. *Provided, however,* that existing employes heretofore appointed, may retain their positions without further examination unless removed for cause, according to the terms of Section 184 of this Article.

SEC. 184. *Removal of Appointees.*—All persons subject to Civil Service examination shall be subject to removal from office or employment by the Commissioner in whose Department they are employed, for misconduct or failure to perform their duties under such rules and regulations as he may adopt. The Chief of Police, Chief of the Fire Department, City Engineer, or any Superintendent or Foreman in charge of municipal work, may temporarily suspend or discharge any subordinate then under his direction for incompetency, neglect of duty or disobedience to orders, but shall, within twenty-four hours thereafter, report in writing such suspension or discharge and the reason therefor, to the Commissioner of his Department, and furnish a copy of said report to the subordinate suspended or discharged, upon his request therefor. The Commissioner shall thereupon, if demanded by the subordinate suspended or discharged, hear evidence for and against said aggrieved party, and shall therefrom affirm or revoke such suspension or discharge according as he may find the facts to warrant.

SEC. 185. *Penalties.*—The Council shall have power to pass ordinances imposing suitable penalties for the punishment of persons violating any provision of this Article.

ARTICLE XV.

ELECTIONS.

SEC. 186. *General and Special Municipal Elections.*—A municipal election shall be held on the first Tuesday of April in 1910, and on the first Tuesday of April of every second year thereafter, and shall be known as the General Municipal Election.

A second election shall be held as provided in Section 192 of this Article, on the second Tuesday after said General Municipal Election, and shall be known as the Second General

Municipal Election. All other municipal elections that may be held by authority of this Charter or of general law shall be known as Special Municipal Elections.

The terms of office of those elected at the first election under this Charter shall begin at ten o'clock A. M. on the first Tuesday of May, 1910, and thereafter all full terms of office shall commence at ten o'clock A. M. on the first Tuesday of May, and all Officers elected shall hold office until their successors are elected and qualified, unless previously removed as elsewhere provided in this Charter.

SEC. 187. *Voters, Qualification and Registration.*—The registration of voters for general or special elections shall be as provided by the general laws of the State of Washington, and no person shall be entitled to vote at any Municipal Election who is not a qualified elector according to the Laws of the State of Washington, and who shall not have entered his name on the City register for the ward and precinct in which he resides, as provided by law.

SEC. 188. *Nomination of Officers.*—The mode of nomination and election of all Elective Officers of the City to be voted for at any municipal election shall be as follows and not otherwise:

(a) The name of a candidate shall be printed upon a ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

(b) The petition of nomination shall consist of not less than twenty-five individual certificates, which shall read substantially as follows:

“PETITION OF NOMINATION.

Individual Certificate.

STATE OF WASHINGTON,)
COUNTY OF PIERCE,) ss.
CITY OF TACOMA,)

“I do hereby join in a petition for the nomination of
.....whose residence is at
No.,Street, Tacoma,
for the office ofto be voted for at the
municipal election to be held in the City of Tacoma on the day
of, 19....; and I certify that
I am a qualified elector and am not at this time a signer of any
other certificate nominating any other candidate for the above
office, or (in case there are several places to be filled in the

above named office) that I have not signed more certificates than there are places to be filled in the above named office; that my residence is at No. Street, Tacoma.

"I further certify that I join in this petition for the nomination of the above named person believing that he has not become a candidate as the nominee or representative of or because of any promised support from any political party or any committee or convention representing or acting for any political party.

(Signed)

STATE OF WASHINGTON, }
COUNTY OF PIERCE, } ss.
CITY OF TACOMA, }

"....., being first duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true.

(Signed)

"Subscribed and sworn to before me this day of, 19.....

(Signed)

Notary Public.

"My commission In and for the State of Washington, residing at Tacoma, Pierce County.
expires

"The petition of which this certificate forms a part shall, if found insufficient, be returned to at No. Street, Tacoma, Washington."

(c) It shall be the duty of the City Clerk to furnish upon application, a reasonable number of forms of such individual certificates.

(d) Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the City Clerk. Each certificate must contain the name of one signer thereto and no more. In case an elector has signed two or more conflicting certificates, all such conflicting certificates shall be rejected. Each signer must make oath to his certificate before a Notary Public substantially in the form prescribed in paragraph (b) of this Section.

(e) A petition of nomination, consisting of not less than twenty-five individual certificates for any one candidate, may be presented to the City Clerk not earlier than thirty nor later than twenty days before the election. The City Clerk shall en-

dorse thereon the date upon which the petition was presented to him.

(f) When a petition of nomination is presented for filing to the City Clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this Article. If found not to conform thereto, he shall then and there designate on said petition the defect or omission or reason why such petition cannot be filed, and shall forthwith return the petition to the person named as the person to whom the same shall be returned in accordance with this Article. The petition may then be amended and again, but not later than three days after said petition shall have been returned, presented to the City Clerk, as in the first instance. The City Clerk shall forthwith proceed to examine the amended petition as hereinbefore provided.

(g) If either the original or the amended petition of nomination be found sufficiently signed, as hereinbefore provided, the Clerk shall file the same forthwith.

(h) Any person nominated under this Article shall file his acceptance with the City Clerk within five days from the filing of the petition of nomination, and in the absence of such acceptance the name of the candidate shall not appear on the ballot. In said acceptance, he shall make affidavit to the fact that he has not become a candidate as the nominee of or because of any promised support from any political party or any committee or convention representing or acting for any political party. Any person whose name has been presented under this Article as a candidate may, not later than fifteen days before the day of election, cause his name to be withdrawn from nomination by filing with the City Clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot.

(i) The City Clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under the provisions of this Article.

SEC. 189. *Ballots*.—(a) The City Clerk shall, on the tenth day before the election, certify a list of the candidates nominated whose names are entitled to appear on the ballot as being the list of candidates nominated as required by this Charter, with the offices to be filled, and the Council shall cause such certified list of names and offices to be filled, designating whether for a full or unexpired term, to be published, three successive days before the election, in one or more daily newspapers of general circulation published in the City.

(b) The City Clerk shall cause the ballots to be printed and numbered as provided by law, except as otherwise provided in this Charter. The ballots shall contain the list of names and the respective offices, as appearing in the published list of candidates, and shall be substantially in the following form:

“General (or Special) Election, City of Tacoma.

“To be held, 19.....

“INSTRUCTIONS TO VOTERS:

“To vote place a cross (x) mark in the square opposite the name of the candidate for whom you desire to vote. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface the ballot, return it to the judges of election and obtain another.”

(c) The offices to be filled shall be arranged in separate columns in the following manner:

“For Mayor (if any) vote for one.”

“For Councilmen (if any) vote for (giving number).”

“For Controller (if any) vote for one.”

(d) Squares shall be provided at the right of the name of each candidate wherein to place the cross (x).

(e) All ballots printed shall be precisely the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another. Space shall be provided on the ballot for Charter Amendments and other questions to be voted on at any Municipal Election, as provided by this Charter. The names of candidates for each office shall be arranged in alphabetical order. Nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate. No ballot shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate, any such party or political designation or mark, or anything indicating his views or opinions.

(f) The City Clerk shall, at least five days before the election, cause to be printed one thousand or more sample ballots, upon paper of different color, but otherwise identical with the ballot to be used at the election, except that across the head of same shall be printed the words, “Sample Ballot,” and he shall distribute the same upon application to registered voters at his office.

SEC. 190. *Ten Days' Notice of Election.*—The City Clerk, by order of the Council, shall give ten days' notice by publication in one or more daily newspapers published in the City of any Municipal Election, the officers to be elected, questions or

measures to be voted upon, the place designated in the various precincts for holding the election, and the Inspectors and Judges appointed to hold the same.

SEC. 191. *First or Primary Election.*—In case there is but one person to be elected to an office, the candidate receiving the majority of the votes cast for all the candidates for that office shall be declared elected; in case there are two or more persons to be elected to an office, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected; *provided, however,* that no person shall be declared elected to any office at such first election unless the number of votes received by him shall be greater than one-half of the number of ballots cast at such election.

SEC. 192. *Second Election.*—(a) As to any office not filled by majority vote as prescribed in Section 191 of this Article, said first election shall be deemed a primary election for the nomination of candidates therefor, and a second election shall be held to fill such office. At said second election the only candidates whose names are printed upon the ballots shall be, if for the office of Mayor or Controller, the two persons who at such primary election received the highest number of votes therefor, and, if for the office of Councilman, those persons, not exceeding twice the number of the office or offices to be filled, who at such primary election received the highest number of votes less than a majority for each office; *provided, however,* that any person who at such primary election received the same number of votes (for such office), as any person so made a candidate for that office, shall also be a candidate for that office at said second election, and that any candidacy at said second election made vacant by death, withdrawal or otherwise shall be filled by selection of the person (or persons, if more than one) who at said primary election secured the next highest number of votes less than a majority for said office. At said second election the candidates receiving the highest number of votes shall be declared elected. In case two candidates for the same office shall receive at said second election an equal number of votes, neither shall be deemed elected, and a third election shall be held in the manner provided herein for said second election.

(b) The said second election, if necessary to be held, shall be held two weeks after the first election.

(c) All the provisions and conditions of this Article as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that the notice of election

shall be published only once, and provided also that the same precincts and polling places shall, if possible, be used.

SEC. 193. *Election Officers—Judges—Appointment.*—It shall be the duty of the Council at its regular session, and at least twelve days previous to the day of holding any municipal election, to appoint for each precinct from the qualified electors of said precinct, one Inspector and two Judges, who shall constitute a Board of Judges of Election. In case those appointed in accordance with this section shall not be present at the place designated by the Council, at the hour to open the polls, the electors present may appoint a Board of Judges for such precinct.

SEC. 194. *Clerks.*—The Inspector and Judges of election for each precinct shall, before the time for opening the polls, appoint two suitable persons to act as Clerks, who shall be qualified voters. Each Clerk shall write down each office to be filled and the name of each person voted for for such office, and shall keep the number of voters by tallies, as they are read aloud by the Inspector or Judge.

SEC. 195. *Oath of Officers.*—The Inspector, Judges and Clerks aforesaid shall before entering upon the duties of their offices, severally, take and subscribe the oath or affirmation hereinafter directed.

Inspector. The following shall be the form of the oath or affirmation to be taken by each Inspector:

"I, A. B., do swear (or affirm) that I will duly attend to the ensuing election, during the continuance thereof, as an Inspector, and that I will not receive any ticket or vote from any person other than such as I shall firmly believe to be, according to the provisions of the laws of this State, entitled to vote at such election, without requiring such evidence of the right to vote as is directed by law; nor will I vexatiously delay or refuse to receive any vote from any person whom I believe to be entitled to vote as aforesaid; but that I will in all things truly, impartially and faithfully perform my duty therein to the best of my judgment and ability; and that I am not directly or indirectly interested in any bet or wager on the result of this election."

Judge. The following shall be the form of the oath or affirmation to be taken by each Judge:

"I, A. B., do swear (or affirm) that I will, as Judge, duly attend the ensuing election during the continuance thereof, and faithfully assist the Inspector in carrying on the same; that I will not give my consent that any vote or ticket shall be re-

ceived from any person other than such as I firmly believe to be according to the law of the State entitled to vote at such election; and that I will make a true and perfect return of the said election and will in all things truly, impartially and faithfully perform my duty respecting the same to the best of my judgment and ability; and that I am not directly nor indirectly interested in any bet or wager on the results of this election.”

Clerk. The following shall be the form of oath or affirmation to be taken by Clerks:

“I, A. B., do swear (or affirm) that I will impartially and truly write down the name of each elector who shall vote at the ensuing election, and also the name of the ward and precinct wherein such elector resides, and carefully and truly write down the number of votes that shall be given for each candidate at the election as often as his name shall be read to me by the Inspector thereof, and in all things truly and faithfully perform my duty respecting the same to the best of my judgment and ability; and that I am not directly or indirectly interested in any bet or wager on the result of this election.”

SEC. 196. *Inspector—Powers and Duties.*—The Inspector shall be Chairman of the Board, and after its organization shall have power to administer all necessary oaths which may be required in the progress of the election. He shall also have power to fill any vacancy that may occur in the Board of Judges, or by absence or refusal to serve of either of the Clerks, after the polls shall have been opened. The Inspector shall deliver the returns of all municipal elections to the City Clerk.

SEC. 197. *Informalities in Election.*—No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity with the requirements of this Charter.

SEC. 198. *Council Shall Canvass Vote.*—The Council shall meet as a Canvassing Board and publicly canvass the election returns within two days after any municipal election, and in case of the election of officers shall issue certificates of election to each person elected.

SEC. 199. *Oath of Clerks on Returns.*—At the time appointed for the canvass of the returns, the City Clerk shall deliver the same to the Council, and shall make the following oath or affirmation, which may be administered to him by the presiding officer:

“I,, do hereby solemnly swear (or affirm) that the returns purporting to be the election returns of the several wards (or the....ward) of this City, have

been in nowise altered, and that they are the same as when I received them. So help me God."

SEC. 200. *Ballots—Preservation, Endorsement, Etc.*—The envelope containing the ballots when sealed up shall be endorsed, "Ballots of precinct, ward, Tacoma, of election held this day of, 19....," and shall be delivered by the Inspector to the City Clerk, who shall keep said sealed envelope unopened until the time appointed for the canvass of the returns, and until directed by the Council to open the same in the presence of the Council. Said envelope shall not be opened as aforesaid, except for the purpose of counting the votes cast for a member or members of the Council, the Mayor, the Controller, and any question voted on at such election. If opened for such purpose, the same shall be opened in such manner as to preserve the endorsement, and the Council shall at once proceed to count the said votes, and continue the counting thereof until all the said votes shall be counted; and as soon as such count is completed, or when adjournments are taken, the ballots, together with the envelope opened, shall be placed by the City Clerk, in the presence of the Council, in another envelope, which shall then be sealed and endorsed by the Clerk,

"Ballot of precinct, ward, Tacoma, of election held, 19....; original envelope opened by the City Clerk, in the presence of the Council, "(giving date)."

The like proceedings with respect to the same ballots may be had from time to time, all envelopes opened being placed with the ballots in a new envelope, which shall be sealed and endorsed by the City Clerk, with a copy of the endorsement of the original envelope and the date of the opening of the last envelope opened; and said ballots shall have the same effect as evidence in any contest concerning an election to an office, other than a member of the Council, as if the original envelope had never been opened by the Council. Said ballots may be destroyed by the Clerk whenever ordered by the Council, at any time after the expiration of six months after election.

SEC. 201. *Certificate as Evidence.*—A certificate of election is prima facie evidence of the facts therein stated, but the Council is the final judge of the election and qualification of its own members. A contested election for any other office must be determined according to the laws of the State regulating proceedings in contested elections for county offices.

SEC. 202. *Special Election.*—A special election may be ordered by the Council at any time, and held in the several polling precincts of the City, by giving ten days' notice thereof in one or more daily newspapers published in the City, and such election shall be conducted and the returns thereof canvassed in like manner as general municipal elections in the City.

SEC. 203. *Election Hours.*—At all elections held under the provisions of this Charter, the polls shall be opened at nine o'clock A. M., and closed at eight o'clock P. M.

SEC. 204. *Other Provisions by Ordinance.*—All matters pertaining to elections and not provided for by general laws and not herein provided for, shall be as provided by Ordinance.

SEC. 205. *Election and Qualification of First Officers Hereunder—Time.*—The offices created by this Charter shall not supercede or dispense with offices now existing, until the election and qualification of the officers first elected under this Charter, but the City Government shall be and remain as now constituted until such first election and qualification of officers hereunder. The nominations for such offices shall be made and such election conducted in all respects as in this Charter provided, and upon the election and qualification of the officers so nominated and elected under this Charter, all houses, boards and officers [*offices*] existing under the former Charter shall, except as otherwise provided in this Charter, immediately determine and cease to exist. It is the express intention hereby to continue the existing Officers and City Government, except as to matters pertaining to the nomination and election of Officers under this Charter, until the first election and qualification of Officers as in this Charter provided, but no longer.

SEC. 206. *Duty of Present Officers as to Elections.*—It shall be the duty of the Mayor, Controller, Treasurer, City Clerk and other Officers in office when this Charter is adopted, to comply with all requirements of this Article relating to Elections, to the end that all things necessary to the nomination and election of the officers first to be elected under this Charter, shall be done as provided in this Charter.

SEC. 207. *Publication of Expenses—Limitation.*—Every elective officer of the City shall, within thirty days after qualifying, file with the City Clerk and publish at least once in a daily newspaper of general circulation, his sworn statement of all his election and campaign expenses, and by whom said funds were contributed, whether the same be made by himself or by his agents. Any person shall be taken and deemed an agent within the meaning of this section whose efforts on behalf of

said candidate, or whose relations to him are such as to give rise to the presumption of such agency.

The election and campaign expenses of any candidate shall not exceed the sum of Five Hundred Dollars, including the expenditures made by the candidate himself or by his agents as herein defined.

Any violation of this section shall be a misdemeanor and ground for removal from office.

ARTICLE XVI.

RECALL OF ELECTIVE OFFICERS.

SEC. 208. *Applies to All Elective Officers.*—The holder of any elective office may be removed by the qualified electors of the City. The procedure to effect such removal from office shall be as follows:

SEC. 209. *Petition, Form and Requirements of.*—A petition signed by electors qualified to vote for a successor to the incumbent sought to be removed equal in number to at least twenty-five per centum of the last preceding vote cast for all candidates for Mayor, *provided*, that the number of signers shall in no case be less than two thousand five hundred, demanding an election of a successor of said incumbent, shall be addressed to the Council and filed with the City Clerk.

The Council shall provide blank forms for such petitions, which forms shall be kept by and secured from the Clerk. The Clerk, upon issuing such forms to any person, shall enter the name of the person to whom issued, the date of such issuance and the number of forms issued, in a record to be kept in his office for that purpose, and shall certify on each of said forms under the seal of the City, the name of the person to whom issued and the date of issuance. No petition shall be filed unless it shall bear such certificate of the Clerk.

All petitions shall be returned and filed with the Clerk within thirty days from the date of issuance of such forms. The petition shall contain a specific statement of the grounds upon which such removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements contained therein are true, and that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All papers composing said petition shall be assembled and filed as one instrument, with en-

dorsement thereon of the names and addresses of at least three persons designated as filing said petition.

Provided, that prior to the issuance of any blank forms of petition for recall an affidavit shall be made by one or more qualified electors, which affidavit shall state the name of the officer or officers sought to be removed and the ground upon which the removal is sought, and such affidavit shall be filed with the Clerk.

SEC. 210. *Petition May be Amended or Renewed.*—Within ten days from the filing of said petition the Clerk shall ascertain by examination thereof and of the registration books and election returns whether the petition is signed by the required number of qualified electors, and shall attach thereto his certificate showing the result of such examination. He shall, if necessary, be allowed extra help by the Council for this purpose.

If his certificate shows that the petition be insufficient, he shall within five days notify in writing one or more of the persons designated on the petition as filing the same; and the petition may be amended at any time within fifteen days from the date of the filing, by the Clerk, of his certificate of examination. The Clerk shall within ten days after such amendment has been filed make like examination of the amended petition and attach thereto his certificate of the result. If still insufficient, or if no amendment shall have been filed, he shall return the petition to one of the persons designated as filing it, without prejudice, however, to the filing of a new petition for the same purpose.

SEC. 211. *Election Under Recall Petition.*—If the petition or amended petition shall be found and certified by the Clerk to be sufficient, he shall submit the same with his certificate to the Council without delay, and the Council shall, if the officer sought to be removed does not resign within five days thereafter, thereupon order an election to be held on a Tuesday fixed by it, not less than thirty days nor more than forty days from the date of the Clerk's certificate that a sufficient petition has been filed. *Provided, however*, that if any other municipal election is to occur within sixty days from the date of the Clerk's certificate, the Council may, in its discretion, postpone the holding of the removal election to the date of such other municipal election. If a vacancy occur in said office after a removal election has been so ordered, the election shall nevertheless proceed as in this Article provided.

SEC. 212. *Candidates—Election.*—Any officer sought to be removed may be a candidate to succeed himself, and unless he

requests otherwise in writing, the Clerk shall place his name on the official ballot without nomination. The nomination of other candidates, the publication of notice of such removal election and the conduct of the same, shall all be in accord with the provisions of Article XV. hereof, relating to elections.

In such removal election the candidate receiving the majority of all votes cast for said office at the first election, or if that prove to be a primary election, then the candidate receiving the highest number of votes at the second election, shall be declared elected. Said second election, if necessary, shall be held fourteen days after the first election.

SEC. 213. *Incumbent Removed.*—The incumbent shall continue to perform the duties of his office until the removal election. If then elected he shall continue in office for the balance of his term, unless recalled or removed as herein provided. If not then elected, he shall be deemed removed from office upon the qualification of his successor who shall hold office during the unexpired term, unless recalled or removed as herein provided. If the successor fail to qualify within ten days after receiving notice of his election, the incumbent shall thereupon be deemed removed and the office vacant. The method of removal by recall herein provided for, shall be cumulative and additional to any method otherwise provided in this Charter.

SEC. 214. *No Recall Petition for First Six Months.*—No recall petition shall be filed against any officer until he has actually held his office for at least six months.

SEC. 215. *Incapacity of Recalled Officer.*—No person who has been removed from an office by recall, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such removal by recall or resignation.

ARTICLE XVII.

THE INITIATIVE.

SEC. 216. *Direct Legislation.*—Any proposed ordinance may be submitted to the Council by petition signed by qualified electors of the City, equal in number to the per centage herein-after required. The procedure in respect to such petition shall be the same as provided in Sections 209 and 210 of this Charter, with such modifications as the nature of the case requires, except that no blank forms shall be furnished or preliminary affidavits made.

SEC. 217. *Twenty Per Cent. Petition.*—If the petition accompanying the proposed ordinance be signed by qualified elec-

tors equal in number to twenty per centum of the last preceding vote cast for all candidates for Mayor, and contains a request that said proposed ordinance be submitted to a vote of the people, if not passed by the Council, the Council shall, within twenty days after the attachment of the Clerk's certificate of sufficiency to the accompanying the petition, either—

(a) Pass the ordinance without alteration (subject to the referendary vote under the provisions of Sections 226 and 227 of this Charter); or

(b) Call a special election, unless a general municipal election is fixed within ninety days thereafter, and at such special or general municipal election said proposed ordinance shall be submitted without alteration to the vote of the qualified electors of the City.

SEC. 218. *Five Per Cent. Petition.*—If the petition be signed by qualified voters equal in number to at least five per centum, but less than twenty per centum, of the last preceding vote cast for all candidates for Mayor, and said proposed ordinance be not passed without alteration by the Council, within twenty days, as provided in the preceding section, then such proposed ordinance, without alteration, shall be submitted by the Council to a vote of the electors at the next general municipal election should the same occur not less than thirty days thereafter.

SEC. 219. *Publication of Electoral Ordinance.*—Whenever any proposed ordinance is required by this Charter to be submitted to the voters of the City at any election, the Council shall cause said proposed ordinance to be published in full in the official newspaper for five consecutive days, the first publication to be ten days before election.

SEC. 220. *Election.*—The ballots used when voting upon such proposed ordinance shall contain the words: "For the Ordinance" (stating the nature of the proposed ordinance) and "Against the Ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, the same shall thereupon become an ordinance of the City.

SEC. 221. *Several Ordinances at One Election.*—Any number of proposed ordinances may be voted on at the same election, in accordance with the provisions of this Article.

SEC. 222. *Limit to Special Elections.*—There shall not be held under this Article of the Charter, more than one special election in any period of twelve months. Section 217 of this Article shall be subject to and considered in connection with this section.

SEC. 223. *Repeal of Electoral Ordinance.*—The Council may submit a proposition for the repeal or amendment of any ordinance so adopted by electoral vote, to be voted upon at any succeeding general municipal election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. An ordinance so adopted by electoral vote, cannot be repealed or amended except by electoral vote.

SEC. 224. The provisions of this Article shall not apply to any ordinance granting a franchise.

SEC. 225. The Council may, by ordinance, make such further regulations as it may deem necessary to carry out the provisions of this Article.

ARTICLE XVIII.

THE REFERENDUM.

SEC. 226. *Mode of Protesting Against Ordinance.*—No ordinance passed by the Council shall go into effect before ten days from the date of its final passage, except ordinances making tax levy or appropriation, or ordinances relating to Local Improvement Districts, and also excepting any ordinance for the immediate preservation of the public peace, health or safety, which ordinances shall contain a statement of its urgency.

If, during said ten days, a petition signed by qualified electors of the City equal in number to at least fifteen per centum of the last preceding vote cast for all candidates for Mayor be presented to the Council, protesting against the going into effect of such ordinance, the same shall thereupon be suspended from going into effect, and it shall be the duty of the Council to reconsider such ordinance, and if the same be not entirely repealed, the Council shall submit the ordinance, as is provided in Article XVII. of this Charter, to a vote of the qualified electors of the City, either at the next general municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect unless a majority of the qualified electors voting on the same shall vote in favor thereof.

The procedure in respect to such petition shall be the same as provided in Section 209 and 210 of this Charter, with such modifications as the nature of the case requires, except that no blank forms shall be furnished or preliminary affidavits made.

SEC. 227. *Reference by the Council.*—The Council may, of its own motion, submit to electoral vote for adoption or rejection at a general or special municipal election any proposed ordinance or measure in the same manner and with the same

force and effect as is provided in Article XVII. If the provisions of two or more proposed ordinances or measures adopted or approved at the same election conflict, then the ordinance or measure receiving the highest affirmative vote shall control.

SEC. 228. *Further Regulations.*—The Council may, by ordinance, make such further regulations as it may deem necessary to carry out the provisions of this Article.

ARTICLE XIX.

FRANCHISES.

SEC. 229. *When Effective.*—No ordinance granting a franchise shall be passed by the Council before the second regular meeting of the Council after its introduction, nor until read in full at two regular meetings, nor until after the expiration of thirty days from its introduction, and no ordinance granting a franchise shall become effective until after the expiration of thirty days from the date of its publication after its passage.

SEC. 230. *Submitted on Twelve Per Cent. Petition.*—If within said thirty days after the publication of any ordinance granting a franchise, a petition signed by qualified electors of the City equal in number to at least twelve per centum of the last preceding vote cast for all candidates for Mayor at the regular municipal election, be presented to the Council, protesting against the going into effect of such ordinance, the same shall thereupon be suspended from going into effect, and the Council shall at its next regular meeting re-consider such ordinance and if the same be not entirely repealed, the Council shall submit the ordinance to a vote of the qualified electors either at the next general municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect until a majority of the qualified electors voting thereon shall vote in favor thereof. The procedure in respect to such petition shall be the same as provided in Article XVIII. of this Charter, except that no ordinance granting a franchise shall be submitted to the vote of the qualified electors until the applicant therefor shall have deposited with the Treasurer a sum sufficient to pay the expenses of such submission (to be estimated by the City Clerk, and if within ten days after such petition is filed such deposit be not made) said ordinance shall be absolutely null and void.

SEC. 231. *Unused Franchises to Be Repealed.*—All franchises or privileges heretofore granted by the City of Tacoma, which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise at the time

of the adoption of this Charter, are hereby declared forfeited and of no validity, and it shall be the duty of the Council to carry out the provisions of this Section by the enactment of ordinances repealing said franchises; *provided*, that this Section shall not apply to any franchise in which the ordinance granting the same shall have fixed a time within which work shall commence or be completed thereunder and such time shall not have expired at the time of the adoption of this Charter.

SEC. 232. *Extension Only for Unexpired Term.*—When any person or corporation holding a franchise for the locating, constructing or operating of a railroad over a portion of any street, and said franchise has not expired, shall subsequently apply for a franchise to locate, construct or operate a railroad on any other portion of the same street or upon any other street in connection therewith, said second franchise shall only be granted for the unexpired term of the first franchise.

SEC. 233. *Light and Water Franchises Prohibited.*—The legislative power of the City is forever prohibited from granting to any person or corporation whatever, a franchise, privilege or right to sell or supply water or electric lights within the City of Tacoma, to the City or any of its inhabitants as long as the City owns a plant or plants for that purpose, and is engaged in the public duty of supplying water or light; except that the Council may grant a permit to supply water or electric light to any section or part of the City of Tacoma not supplied or furnished by the City water or light plant, to cease and determine at such time as the City of Tacoma shall furnish and provide water or light in said section or part of the City.

Provided, that no such permit shall be exclusive nor shall any such permit exist for a longer period than ten years without renewal, and where such permit is for furnishing water it can only be revoked upon the City purchasing the water pipes of such person or corporation laid upon any street by paying therefor the reasonable value at the time of the taking, to be determined by arbitration in a manner which shall be fixed in every such permit for furnishing water, and every such permit shall provide that the City may on such terms revoke such permit as to any particular street or streets or parts thereof, paying for the pipes thereon without being required to purchase pipes on other streets or parts thereof;

Provided, further, that the foregoing proviso shall never be construed as preventing the City from laying its own pipes on any such street or streets or parts thereof in any such section or part of the City, and competing with such person or

corporation without purchasing the pipes of such person or corporation which may have been laid upon such street or streets; and

Provided, further, that nothing in this Section shall be construed as preventing the City from revoking any such permit to any person or corporation furnishing light without any payment whatever.

SEC. 234. *No Franchise Without Compensation.*—No franchise shall ever be granted to any person or corporation except upon proper compensation to the City by way of a payment into the City treasury of a per centage of its gross receipts; the per centage to be paid to the City shall in no case be less than one per cent. per annum of the gross receipts, and the legislative power of the City shall make provision by ordinance for ascertaining accurately what the actual gross receipts of any such person or corporation may be per annum; *provided,* that this shall not apply to railroads, except street railroads.

SEC. 235. *Railroad Shall Pave and Re-Pave.*—No franchise shall ever be granted to any person, association of persons, or to any corporation for the purpose of locating and constructing any railroad or street railroad in any street, alley or public place in the City of Tacoma, except the same contain a condition that such person, association or corporation shall pave and improve the street over which said street railway company or other railway company lays or has laid its track or tracks, between the outer rails of said track or tracks, and for a space of at least two feet on each side outside of said outer rails, in the same manner and with the same material and at their own expense, as the street shall be improved by the City, and within thirty days from its improvement by the City, and shall re-pave such part of such street whenever and as often as the City shall re-pave and in the same manner and with the same material and at their own expense; and whenever any such franchise is granted giving the privilege of constructing a double railway track or street railway track upon any street, avenue or alley, the same shall contain the further provision that in case the grantee elect to lay a single track, the right to lay any additional track on such street shall be forever forfeited in case such street or any part thereof be thereafter permanently paved, unless such grantee pave, in addition to the space between the rails of such single track and two feet on each side outside of said rails, the space which would be occupied by an additional track and the space between such space and the track already laid, and for two feet outside of what

would be the outer rail of such additional track, in the same manner and with the same material as the City paves or repaves the said street, and at their own cost and expense, and every franchise hereafter granted for the purpose of constructing a railroad track or street railway track shall require the grantee to plank all space between the rails and between the tracks of such railway or street railway, and to the ends of the ties on the outside of the outer rails of such tracks on all graded streets where the same are not paved with permanent pavement, and to keep said planking in good repair throughout the term of such franchise, until such street is permanently paved, and every such franchise shall contain a requirement that any pavement torn up or damaged by the grantee, its successors or assigns, in the work of constructing such track or tracks, shall be replaced at the sole cost and expense of such grantee, its successors and assigns, in as good condition and with the same kind of material as it was before such track or tracks were laid, and all work required to be done and materials used under this section shall be done and furnished under the direction of the Commissioner of Public Works and subject to his approval; and no franchise shall ever be granted to any person, association of persons or corporation, unless the same shall contain a provision providing for a revenue to the City from the person, association or corporation holding said franchise, and also providing that the City shall at any time have the right to appropriate by purchase at a reasonable price the property of said person, company or corporation, but this right of purchase shall not apply to railroads other than street railroads.

SEC. 236. *Railway Pay Portion Construction and Repair of Bridges, Etc.*—No street railway company or any corporation or person whatsoever shall ever be permitted to locate, construct, maintain or operate any street railway track or tracks along, across, upon or over any bridge, viaduct or tunnel within the City of Tacoma which shall have been built by said City, unless or until it shall have paid into the City Treasury of the City of Tacoma a sum equal to at least one-half of the original cost of the construction of such bridge, viaduct or tunnel; and no franchise shall hereafter ever be granted to any person, company or corporation for the purpose of constructing, maintaining or operating any such street railway line unless the same contain a requirement that such person, company, firm or corporation shall pay at least one-half of the cost of repairing and maintaining, at all times throughout the term of such franchise, any bridge, viaduct or tunnel along, over, upon or across

which any track or tracks of such street railway shall pass, and the further provision that in case it shall become necessary in the judgment of the Council to rebuild or reconstruct any such bridge, viaduct, or tunnel during the term of such franchise, the grantee therein, its successors and assigns, shall pay at least one-half of the cost of such re-building or reconstruction of any such bridge, viaduct or tunnel, and the determination of the Council of the City of Tacoma as to when, how and with what material such repairs or reconstruction or rebuilding shall be made, shall be final and conclusive, and such work shall be done under the direction of the Commissioner of Public Works of said City according to plans and specifications which shall be prepared by the City Engineer of said City, and approved by the Council.

In case the construction of any street railway line shall necessitate or require the construction or reconstruction of any bridge, viaduct or tunnel, the entire cost of such construction or re-construction shall be paid in the first instance by the grantee in such franchise, its successors or assigns, and any such bridge or viaduct shall be of such a width and manner of construction as may be required by the Council, so as to constitute a thoroughfare for the public for all ordinary purposes. *Provided*, that if at any time a franchise be granted for additional street railway line or street railway lines along, over or across or upon any bridge, viaduct or tunnel, in this section referred to, the cost of construction, maintenance and re-construction of such bridge, viaduct or tunnel, shall be apportioned in equal parts between the owners of all such street railways using such bridge, viaduct or tunnel, and the City, and every franchise granted for the use of any such bridge, viaduct or tunnel by any street railway shall so provide; *provided, further*, that every franchise for the use by any street railway of any bridge, viaduct or tunnel shall contain a provision for common user of its tracks thereon on payment of a just proportion of the cost of such tracks in addition to the foregoing.

The Council of the City of Tacoma is hereby prohibited from passing, and the Mayor of said City is hereby prohibited from signing, any ordinance granting any street railway franchise or any amendment of any street railway franchise which shall not contain each and all of these provisions and requirements, and any such franchise not containing each and all of these requirements is hereby declared to be absolutely null and void.

SEC. 237. *Franchise Specify Streets*.—All franchises, privileges and permits hereafter granted shall plainly specify on

what particular streets, alleys, avenues or other public property the same shall apply; and no franchise, privilege or permit shall hereafter be granted by the City in general terms or to apply to the City generally.

SEC. 238. *Power to Regulate Rates and Fares.*—All powers to regulate rates, fares and charges for service by public utility corporations is hereby reserved to the people, to be exercised by them by ordinance of the Council or in the manner in this Charter provided for initiating or referring an ordinance. Any right or regulation shall further include the right to require uniform, convenient and adequate service to the public and reasonable extensions of such service and of such public utility works.

SEC. 239. *Ordinance in Plain Terms.*—No franchise, right or privilege or license shall be considered as granted by any ordinance except when granted therein in plain and unambiguous terms, and any and every ambiguity therein shall be construed in favor of the City and against the claimant under said ordinance.

SEC. 240. *Railroad Elevate or Lower Tracks.*—The Council shall by ordinance require, under proper penalties, any railroad company, whether steam or electric, to elevate or lower any of its tracks running over, along or across any of the streets or alleys of the City, whenever in the opinion of the Council the public safety or convenience require.

SEC. 241. *Franchise Provide for Safety.*—The grant of every franchise or privilege shall be subject to the right of the City, whether in terms reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to require proper and adequate extensions of the service of such grant, and to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service, extensions and accommodations for the people and insure their comfort and convenience.

SEC. 242. *No Exclusive Franchise—Renewal.*—No exclusive franchise shall ever be granted, and no franchise shall ever be granted for a longer term than twenty-five years and no franchise shall be renewed before two years of its expiration.

SEC. 243. *No Franchise Leased, Except.*—No franchise heretofore or hereafter granted by the City shall ever be leased,

assigned or otherwise alienated without the express consent of the City by ordinance, and no dealing with the lessee or assignee on the part of the City to require the performance of any act or payment of any compensation by the lessee or assignee, shall be deemed to operate as such consent.

SEC. 244. *No Extension or Enlargement, Except*—No extension or enlargement of any franchise or grant of rights or powers previously granted to any corporation, person or association of persons, shall be made except in the manner and subject to all the conditions herein provided for in this Article for the making of original grants and franchises, and in no event shall such extension or enlargement extend beyond the unexpired term of the original or first franchise; *provided, however*, that the provisions of this Article shall not apply to the granting by ordinance of revocable licenses or privileges for side track or switch privileges to railway companies for the purpose of reaching and affording railway connections and switch privileges to the owners or users of any industrial plant, it being the intention to permit the City to grant such revocable licenses or privileges to railway companies whenever in its judgment the same is expedient, necessary or advisable, and whenever the application for such privileges is accompanied by the assent in writing of the owners of the major part in extent of the front feet of the lots or tracts of land of the block fronting on each side of any street, or parts of street, over or on which it is desired to lay or construct such sidetracks or switches.

SEC. 245. *Provision for Common Use of Tracks, Poles.*—The City, by and through its Council, shall have the power to require any corporation holding a franchise from the City, to allow the use of its tracks, poles and wires by any other corporation to which the City shall grant a franchise, upon the payment of a reasonable rental therefor, and any franchise or right which may hereafter be granted to any person or corporation to operate a street railway within the City or its suburbs, shall be subject to the condition that the City shall have the right to grant to any other person or corporation desiring to build or operate a street railway or interurban railway within or into the City, the right to operate its cars over the tracks of said street railway in so far as may be necessary to enter the City and to reach the section thereof used for business purposes, *provided*, that the person or corporation desiring to operate its cars over the line of said street railway, shall first agree in writing with the owner thereof to pay it reasonable compensation for the use of its tracks and facilities. And if the person or corporation de-

siring to use the same cannot agree with said owner of said street railway as to said compensation, within sixty days from offering in writing so to do, and as to the terms and conditions of the use of said tracks and facilities, then the Council shall, by resolution, after a fair hearing to the parties concerned, fix the terms and conditions of such use and compensation to be paid therefor, which award of the Council when so made shall be binding on and observed by the parties concerned.

SEC. 246. *Matters in Charter Not to Impair Right of Council to Insert Other Matters in Franchise.*—The enumeration and specification of particular matters in this Charter which must be included in every franchise or grant, shall never be construed as impairing the right of the Council to insert in such franchise or grant, such other and further matters, conditions, covenants, terms, restrictions, limitations, burdens, taxes, assessments, rates, fares, rentals, charges, control, forfeitures, or any other provision whatever, as the Council shall deem proper to protect the interests of the people.

SEC. 247. *Rights of Ferriage Reserved.*—All rights of ferriage on waters of Commencement Bay or of Puget Sound within the limits of this City shall be reserved for the benefit of the City, and the Council shall not grant nor convey, except by lease, any franchise or special privilege for the purpose of operating ferries on the waters above named.

ARTICLE XX.

HARBOR AND TIDE-LANDS.

SEC. 248. *Streets Extended to Harbor Line.*—All streets, avenues and highways of the City touching the waters of Commencement Bay or Puget Sound are hereby declared to extend to the harbor line as the same is now or may hereafter be established by the State, and it shall be the duty of the Council to provide for defining the lines of said streets and cause all such streets to be platted on the maps of the City, and to cause a plat showing said streets and highways to be filed with the Secretary of the State and one copy thereof to be filed with the Commissioner of Public Lands of the State. None of said streets below mean tide shall be sold, and shall never be leased or used for any purpose except for wharves or landing slips for water craft.

SEC. 249. *Manner of Sale or Lease of City Real Estate.*—The Council shall never authorize the lease of any wharf or water-front property, nor the sale of any real estate belonging to the City, until it shall have first passed a resolution of its

intention so to do and cause notice of such intention to be published daily in the official newspaper for at least ten days, fixing a time when the Council will hear remonstrances against such proposed lease or sale. If at the time fixed for said hearing one per centum of the voters of the City as shown by the last general election shall file remonstrances against such action, no such sale or lease shall be authorized except upon the affirmative vote of at least four members of the Council.

Any authorization to sell or lease shall be by ordinance adopted in the manner provided in this Charter. Such ordinance shall never be deemed an emergency measure, but shall always be subject to the provisions of this Charter as to referendum. The ordinance authorizing such sale or lease shall fix the time, terms and place of such sale or lease, and the City Clerk, when said ordinance becomes effective, shall publish in the official newspaper a notice of such sale or lease for thirty days next preceding the time fixed for such sale, describing the property and stating the time, terms and place of such sale or lease, and the same shall be made only to the highest responsible bidder by the Commissioner of Finance, at the time and place specified. The conveyance, contract or lease shall be executed by the Mayor, countersigned by the Controller and attested by the City Clerk. No such lease, contract or conveyance shall become effective until thirty days after all papers have been signed; and any tax payer of the City shall have the right to commence in the Superior Court of Pierce County, Washington, within said time, proceedings to enjoin said sale or lease and may show that said sale or lease was fraudulently made or contrary to the best interest of the City, but in case said sale or lease shall be held valid and proper, said person shall pay all costs of such proceedings; *provided*, that the Council shall never authorize the sale or disposition of any wharf or water-front property belonging to the City and shall not lease the same for a period longer than five years at any one time.

ARTICLE XXI.

MISCELLANEOUS PROVISIONS.

SEC. 250. *Ratification of Former Ordinances.*—Any and all ordinances passed by the City of Tacoma under any former Charter, which have not been repealed when this Charter shall go into effect, and that are not inconsistent with this Charter, or the laws of the State of Washington, shall be and remain in full force and effect, as though the same were passed or done

by the City of Tacoma under this Charter, and shall so remain until repealed or rescinded.

SEC. 251. *Continuance of Acts Under Former Charters.*—All warrants or certificates of indebtedness, all appropriations of money to specific fund or purposes, all taxes remaining unpaid, all claims or demands in favor of or due the City of Tacoma, all franchises, all contracts and liabilities lawfully made, granted or incurred by said City, all rights of every nature or kind vested or contingent or recognized by any former charters or ordinances, resolutions or acts of said City, and not inconsistent with this Charter or the laws of the State of Washington, shall not be lost, impaired or discharged, but shall continue and be and remain in full force and effect, notwithstanding any change of organization effected by this Charter.

SEC. 252. *Property Vested in City.*—All property of every name, nature and kind, all rights, privileges and franchises belonging to the City of Tacoma by or under any former act or Charter, are vested and established in and remain the property of the City of Tacoma.

SEC. 253. *Continuation of Street Improvements.*—All streets and other improvements, all vacations of streets, alleys or avenues, all assessments for improvements, all suits and actions in any Court, all fines and forfeitures, and all other matters relating to the City of Tacoma, that may have been begun and not completed, ended or closed, shall be completed according to the Charter, ordinances and laws existing prior to the adoption of this Charter.

SEC. 254. *Continuing Bonds, Etc.*—All official bonds, recognizances, obligations, contracts and all other instruments entered into or executed by or to the City before this Charter takes effect, and all fines, penalties and forfeitures due or owing the City, shall continue and remain unaffected by this Charter.

SEC. 255. *Collection of Unpaid Taxes.*—All taxes and assessments, levied and remaining unpaid when this Charter shall go into effect, shall be collected as provided by the Charter of Tacoma existing and in effect at the time said taxes were levied.

SEC. 256. *Parks, and Miscellaneous.*—If at any time hereafter the parks now under the control of the Metropolitan Park Board come under the jurisdiction of the City, such parks shall be managed, controlled and administered in such manner as the Council shall prescribe by ordinance adopted as in this

Charter provided. The City of Tacoma shall never employ Chinese or coolie labor in any capacity whatsoever.

SEC. 257. *Claims for Injuries—Presentation—Bar.*—All claims for injuries to the person, alleged to have been caused or sustained by reason of defects, want of repair or obstruction of any of the highways, streets, alleys, sidewalks or crosswalks of the City, shall be presented in writing to the Council within thirty days after such injuries shall be alleged to have been received. Such writing shall state the time, place, cause, nature and extent of the alleged injuries so far as practicable, and shall be verified by affidavit of the claimant to the effect that the same is true. The omission to present any such claim in the manner or within the time in this section provided, shall be a bar to an action against said City therefor.

ARTICLE XXII.

AMENDMENT OF CHARTER.

SEC. 258. *Procedure—Publication Notice.*—Whenever the Council shall deem any amendment to this Charter necessary or expedient, it shall pass a resolution declaring its intention to offer to the qualified electors of the City such amendment, and shall cause such proposed amendment or amendments to be published in full in two daily newspapers, published and of general circulation in the City, for thirty days, and all (*shall*) thereafter within thirty days from the last date of said publication again vote upon said amendment or amendments, and if at said last named time four members of the Council shall vote in favor of said amendment or amendments, the Council shall cause the same to be submitted to the qualified electors of the City at the next general Municipal Election for approval or rejection.

SEC. 259. *Ballots.*—The tickets to be voted at said election shall contain the words "For Amendment," "Against Amendment." Provided, if more than one amendment is to be voted upon the same shall be numbered, and said tickets shall have printed thereon, "For Amendment No. 1," "Against Amendment No. 1," "For Amendment No. 2," "Against Amendment No. 2," and so continue for all amendments offered to be voted upon.

SEC. 260. *Majority of Votes Carry.*—If at said election a majority of the votes cast be for said amendments the same shall within ten days thereafter become a part of the City Charter, or if for any one of said amendments, the same shall be a part of the City Charter.

FINAL CERTIFICATE.

STATE OF WASHINGTON,)
COUNTY OF PIERCE,) ss.
CITY OF TACOMA,)

BE IT KNOWN, that the qualified electors of the City of Tacoma, in said County and State, said City then and there being a city of the first class, on the 8th day of June, A. D., 1909, at an election duly held in said City under the provisions of an ordinance duly enacted as authorized by law by the legislative authority of said City, and under and in accordance with Section X, Article 11, of the Constitution of this State, and an Act of the Legislature of the State of Washington, approved March 4th, A. D. 1895, entitled "An Act to authorize cities of the first class to alter, change, revise, add to or repeal their respective charters," did elect the undersigned, being fifteen freeholders who severally have been residents of said City for a period of at least two years preceding their election, and qualified electors therein, as a Board of Fifteen Freeholders, to prepare and frame a new Charter for the City of Tacoma; and we, the undersigned, being the said fifteen freeholders, do hereby certify that we convened for said purpose as such freeholders, within ten days after the said election, and then commenced and thereafter, within sixty days, proceeded to and did prepare such new Charter by altering, changing and revising the existing Charter, and having prepared, framed and agreed upon such new Charter, we do now propose and submit to the legislative authority of said City, the foregoing as a Charter for the City of Tacoma, and do now file the same with the City Clerk of said City.

IN WITNESS WHEREOF, we have hereunto set our hands this 5th day of August, in the year of our Lord, one thousand nine hundred and nine.

H. A. RHODES, President,
E. D. HODGE, Secretary,
O. G. ELLIS,
C. S. BARLOW,
DR. S. M. LECRONE,
FRANK M. LAMBORN,
ERNEST LISTER,
HARRY B. HENDLEY,
OLIN L. FOWLER,
P. C. KAUFFMAN,
E. P. SAVAGE,
A. U. MILLS,
C. D. BALL,
H. J. MCGREGOR,
O. O. McLANE,

MAYOR'S CERTIFICATE.

I, John W. Linck, Mayor of the City of Tacoma, do hereby certify that in accordance with the terms and provisions of Section X, of Article 11 of the Constitution, and of Chapter XXVII of the Laws of the State of Washington, approved March 4, 1895, the Council of the City of Tacoma duly caused a special election to be held on the 8th day of June, A. D., 1909, for the purpose of electing fifteen Freeholders to prepare a new Charter for the City of Tacoma; that due notice of such election was given in the manner provided by law; that on the 8th day of June, 1909, said election was held, and the votes cast thereat were duly canvassed by the City Council of said City; and the following named persons were declared duly elected to prepare and propose a new Charter for said City, to-wit: H. A. Rhodes, E. D. Hodge, P. C. Kauffman, E. P. Savage, A. U. Mills, C. D. Ball, H. J. McGregor, O. O. McLane, O. G. Ellis, C. S. Barlow, Dr. S. M. LeCrone, Frank M. Lamborn, Ernest Lister, Harry B. Hendley, Olin L. Fowler.

That thereafter, to-wit: on the 7th day of August, 1909, said Board of Freeholders duly returned a proposed new Charter for the City of Tacoma signed by the following members thereof, to-wit: H. A. Rhodes, President; E. D. Hodge, Secretary; P. C. Kauffman, E. P. Savage, A. U. Mills, C. D. Ball, H. J. McGregor, O. O. McLane, O. G. Ellis, C. S. Barlow, Dr. S. M. LeCrone, Frank M. Lamborn, Ernest Lister, Harry B. Hendley and Olin L. Fowler.

That thereafter such proposed new Charter was duly published in two daily newspapers in said City, and of general circulation therein, to-wit: The Tacoma Daily Ledger and The Tacoma Daily News, for a period of thirty days; said publication in each of said papers commencing on the 10th day of Sept., 1909; that thereafter on the 16th day of October, 1909, at a special election duly called by the City Council of said City, the proposed new Charter was submitted to the qualified electors thereof; and the returns of such election were duly canvassed by the City Council thereof, at a meeting held on the 19th day of October, 1909, and the result of said election was found to be as follows:

For said proposed new Charter.....	3533 votes.
Against said proposed new Charter	991 votes.

Majority for said proposed new Charter ..2542 votes.
Whereupon said new Charter was declared duly ratified by a majority of the qualified electors voting at said election.

And I further certify that the foregoing is a full, true and complete copy of the proposed new Charter so voted upon and ratified as aforesaid.

In testimony whereof I hereunto set my hand, and affix the corporate seal of said City, at my office this 10th day of November, 1909.

JOHN. W. LINCK, Mayor.

Attest:

L. W. ROYS, City Clerk.

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